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1991

AGENDAS / MINUTES OF THE
PLANNING AND DEVELOPMENT
COMMITTEE



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URBAN/MUNICIPAL

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1991

1991 May 2nd

URBAN MUNICIPAL

MAY 9 1991

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1991 May 8th
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

AGENDA

A. Consent Agenda.

9:30 O'CLOCK A.M. -

**PUBLIC MEETING - RENTAL HOUSING PROTECTION
ACT APPLICATION**

1. 555 Concession Street.

DIRECTOR OF PUBLIC WORKS

2. 1991 - 1993 Ministerial Allocation - Central/Beasley P.R.I.D.E. Housing Intensification Programme.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

3. Central and Beasley Neighbourhood Plans.

DIRECTOR OF LOCAL PLANNING

4. Site Plan Control Application DA-90-99 to amend DA-88-86, by Taba Developments Ltd.
5. Request for comments - Environmentally Sensitive Area Development Study, Geomatics International 1990 - Prepared for Hamilton-Wentworth Region.

6. **IN CAMERA AGENDA**

(Agenda to follow)

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

7. Zoning Application 90-73, M. Finocchio and Mascia Enterprise, owners, for a change in zoning from "AA" to "RT-20" for land on the east side of West Fifth Street in the area south of Stone Church Road West; Mewburn Neighbourhood.
 - (a) Submission - John D. Rosart, Chairman, Rosart Properties Inc.
8. Zoning Application 91-03, A. J. Boiago, owner, for a change in zoning from "AA" and "C" to "RT-20" for land at 1285 Upper Gage Avenue, Quinndale Neighbourhood.
 - (a) Submission - Ron & Wendy Richardson, 71 Queen Victoria Drive.
9. Zoning Application 91-09, Hamilton General Homes (1971) Ltd., owner, for a further modification to the "G-4" District, regulations for property at 25 Redmond Drive; Rushdale Neighbourhood.
 - (a) Submission - Karen & Wayne Napper, 190 Rushdale Drive.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

IN WHICH ARE CONTAINED THE
CAUSES AND CONSEQUENCES OF THE

REBELLION

AND

THE

EXECUTION

OF THE
SENTENCES
PASSED UPON HIM

BY THE

PARLIAMENTS
AND
COURTS OF JUSTICE

IN THE

YEARS
OF HIS
MAYESTY'S


REIGN

10:45 O'CLOCK A.M.

10. Subdivision Application 25T-90024, Application to the Official Plan, and Zoning Application 90-40, Patran Holdings Ltd., owners, for changes in zoning from "M-14" to "R-4", "RT-20", "RT-30", "E" and "E-1" for lands municipally known as 45 Rifle Range Road; Ainslie Wood Neighbourhood.
 - (a) Submission - J. Maklo.
 - (b) Submission - Hilary A. Amolins.
 - (c) Submission - Carl D. Richards, 149 Whitney Avenue..
11. Zoning Application 90-88, 775751 Ontario Inc., (J. Paisley), applicant, for a change in zoning from "AA" and "C" to "HH" properties at 1425 and 1429 Upper James Street; Ryckmans Neighbourhood.

11:00 O'CLOCK A.M.

12. Zoning Application 91-12, D. and I. Golfi, owners, for a modification to the "C" District regulations for property at 66 East 14th Street; Inch Park Neighbourhood.
 - (a) Submission - Andre & Jackie Beaudin, 53 East 14th Street.
 - (b) Submission - Dr. & Mrs. Dickson, 111 Stone Church Road East.
 - (c) Submission - Mr. & Mrs. Holmes, 101 East 14th Street.
13. Other Business.
14. Adjournment.



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PLANNING AND DEVELOPMENT COMMITTEE
WEDNESDAY, 1991 MAY 8th
C O N S E N T A G E N D A

BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

- A. 21 Gerrard Street.
- B. 193 Ferrie Street.
- C. 150 Catharine Street North.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

- D. Designation under Part V of the Ontario Heritage Act - MacNab Street Presbyterian Church.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
LABORATORY OF PHYSICAL CHEMISTRY

RESEARCH REPORT NO. 1000, JANUARY 1964

BY J. H. DUNN

AND R. M. M. M. M.

DEPARTMENT OF CHEMISTRY

UNIVERSITY OF CHICAGO, CHICAGO, ILL.

RECEIVED JANUARY 1964

CITY OF HAMILTON

A.

- RECOMMENDATION -

DATE: 23 April 1991

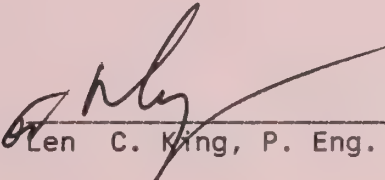
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
21 Gerrard Street - Tag Number

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 21 Gerrard Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy industrial, etc.)

PRESENT USE: Single Family Dwelling - vacant

PROPOSED USE: Proposed roadway

BRIEF DESCRIPTION: Two storey wood frame dwelling in a poor, neglected condition.

It is the intention of the city to demolish the existing single family dwelling for proposed roadway. Lot size 19.00' X 100.00'.

The owner of the property as per the demolition permit application is:

City of Hamilton
Attention: Real Estate Division
Property Department

Telephone: 546-2738

CITY OF HAMILTON

B.

- RECOMMENDATION -

DATE: 23 April 1991

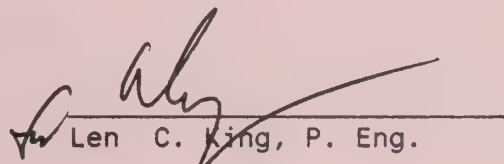
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
193 Ferrie Street - Tag Number 82192

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 193 Ferrie Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" (Urban protected residential - one and two family dwellings, townhouses, etc.)

PRESENT USE: Single family dwelling

PROPOSED USE: Semi-detached two family dwelling

BRIEF DESCRIPTION: One storey brick dwelling with frame and sided addition in poor condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a semi-detached two family dwelling. The owner has applied for and been granted variances from the Committee of Adjustment for the proposed development. The Committee of Adjustment decision is not final and binding until May 10, 1991. Lot size 48.83' X 146.00'.

The owner of the property as per the demolition permit application is:

Michael Valvasori/Paul Green
712 Main Street East
HAMILTON, Ontario

L8M 1K6 Telephone: 545-0177

CITY OF HAMILTON

- RECOMMENDATION -

C.

DATE: 23 April 1991

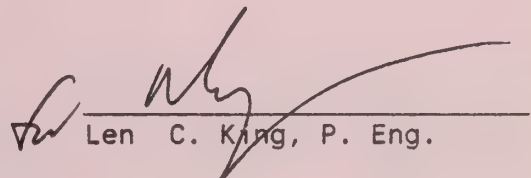
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
150 Catharine Street North - Tag Number 82200

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 150 Catharine Street North.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" (Urban protected residential - one and two family dwelling, dwellings, townhouses, etc.)

PRESENT USE: Single family dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: 2-1/2 storey double brick construction dwelling with exterior in good condition.

It is the intention of the owner to demolish the existing single family dwelling and leave the land vacant. The owner has stated the building will be vacant as of the end of June. The owner has proposed demolition as the interior is in a dilapidated condition which would be too costly to bring up to standard.

Lot size 26.58' X 72.00'.

The owner of the property as per the demolition permit application is:

Phil Alaimo
478 Mines

R.R. CALEDONIA, Ontario NOA 1A0 Telephone: 765-1046

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 April 29

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: **MACNAB STREET PRESBYTERIAN CHURCH -
DESIGNATION UNDER PART V OF THE
ONTARIO HERITAGE ACT**

RECOMMENDATION:

That By-law No. 87-248 designating the MacNab Street Presbyterian Church under Part IV of the Ontario Heritage Act be repealed in order to allow designating the church as part of the MacNab-Charles Heritage Conservation District under Part V of the Ontario Heritage Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ontario Heritage Act, Section 41(2), specifies that a property designated under Part IV cannot be designated under Part V of the Act.

On March 25th 1991, the Ontario Municipal Board at its hearing on the designation of the MacNab-Charles Heritage Conservation District, ordered the repeal of the original By-law No. 87-248 for the MacNab Street Presbyterian Church prior to the OMB's final order of approval for the district.

The MacNab Street Presbyterian Church is in support of this procedure, pending confirmation from the Ministry of Culture and Communications that the same funding eligibility as under Part IV will be available.

cc Mrs. N. Chapple, Planning Department

1.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 30, 1991

FILE: P5-4-2-15

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

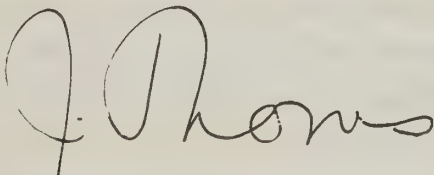
SUBJECT:

Ontario Rental Housing Protection Act - Application to convert residential rental apartments to medical offices - CU-91-001 for 555 Concession Street.

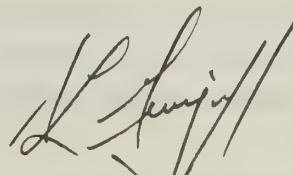
RECOMMENDATION:

That approval be given to Rental Housing Protection Act Application CU-91-001, Peter Contant, owner, for conversion of five apartment units at 555 Concession Street, on the following basis:

That the applicant enters into an Agreement with the City to provide the same number of new rental units (5 units) which are similar in rent and location to the existing units. The Agreement will be registered on title and will be satisfactory to the Director of Local Planning and the City Solicitor.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

An application under the Ontario Rental Housing Protection Act respecting 555 Concession Street was submitted to the City on January 22, 1991. The proposal is to convert five apartment rental units and a groceteria to medical offices. The subject property is shown on the attached key map.

The existing uses on the site include:

- a two storey building and parking lot;
- a groceteria on the main floor and basement;
- four vacant two-bedroom apartments and one vacant one-bedroom apartment on the second floor; and,
- the most recent rents were \$650.00 per month for the two bedroom apartments and \$500.00 per month for the one bedroom apartment. These were noted by the previous owner who owned the property prior to November, 1990.

APPLICABILITY OF THE ONTARIO RENTAL HOUSING PROTECTION ACT

The Provincial Act exists to help preserve the existing supply of rental units, by regulating changes to rental units such as renovations, conversions, demolitions and severances. The proposed conversion of apartment units to medical offices at 555 Concession Street is subject to the Provincial Act, since:

- the building has more than four rental residential units. The most recent assessment notice issued in January 1991 indicates the presence of five units. Therefore, the owner has applied to convert the rental units under the Act; and,

- vacant units such as these are subject to the revised Rental Housing Protection Act, since the prior use was rental residential.

LEGISLATION

The Rental Housing Protection Act, 1989, specifies that approval of applications must be made under one of the following criteria, as specified in Section (7) of the Ontario Regulation 586/89:

- "7.-(1) The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:
1. Council finds that;
 - i. a rental property for which an application is made for demolition is structurally unsound, or
 - ii. a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.
 2. The applicant agrees,
 - i. to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and
 - ii. to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.
 3. In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality."

ANALYSIS:

The application has been evaluated on the basis of the foregoing criteria, as outlined below:

1. Physical Condition of Rental Building

The applicant is not seeking approval under this criterion.

2. Provision of Alternative and Replacement Accommodation

This would be the preferred criteria for approval. Providing units to replace those which are converted to office use would help ensure the protection of the rental housing stock.

3. Impact on the Supply of Rental Housing

Under the third criteria, City Council may approve a proposal which it considers does not adversely affect the supply of rental housing. In this case, the loss of five rental units is significant. The most recent vacancy rate (October 1990) for Hamilton Mountain is only 0.2%, with only 17 vacant units of 8,279 surveyed by Canada Mortgage and Housing Corporation (CMHC). This compares with an overall vacancy rate of 1.2% for the entire City of Hamilton. A healthy vacancy rate is generally considered to be between 2% and 3% for a municipality.

The most recent average rents calculated by CMHC indicate that one bedroom apartments rent for an average of \$410 per month while two bedroom apartments rent for an average of \$482 on Hamilton Mountain. The most recent rents for the units on this application ranged from \$500 to \$650 per month, respectively, for units of these types.

Although they are higher than the CMHC average rents for this area, the rents charged are considered "affordable" under the Provincial Land Use Planning for Housing Policy Statement. The Province has calculated that an "affordable" rent for the Hamilton Census Metropolitan Area is \$1,240 per month.

COMMENTS:

Counsel for the applicant has advised that the owner is not prepared to provide replacement units. The existing low vacancy rate for rental accommodation requires that steps be taken to maintain the existing rental housing supply. Replacement of units should therefore be provided.

CONCLUSION:

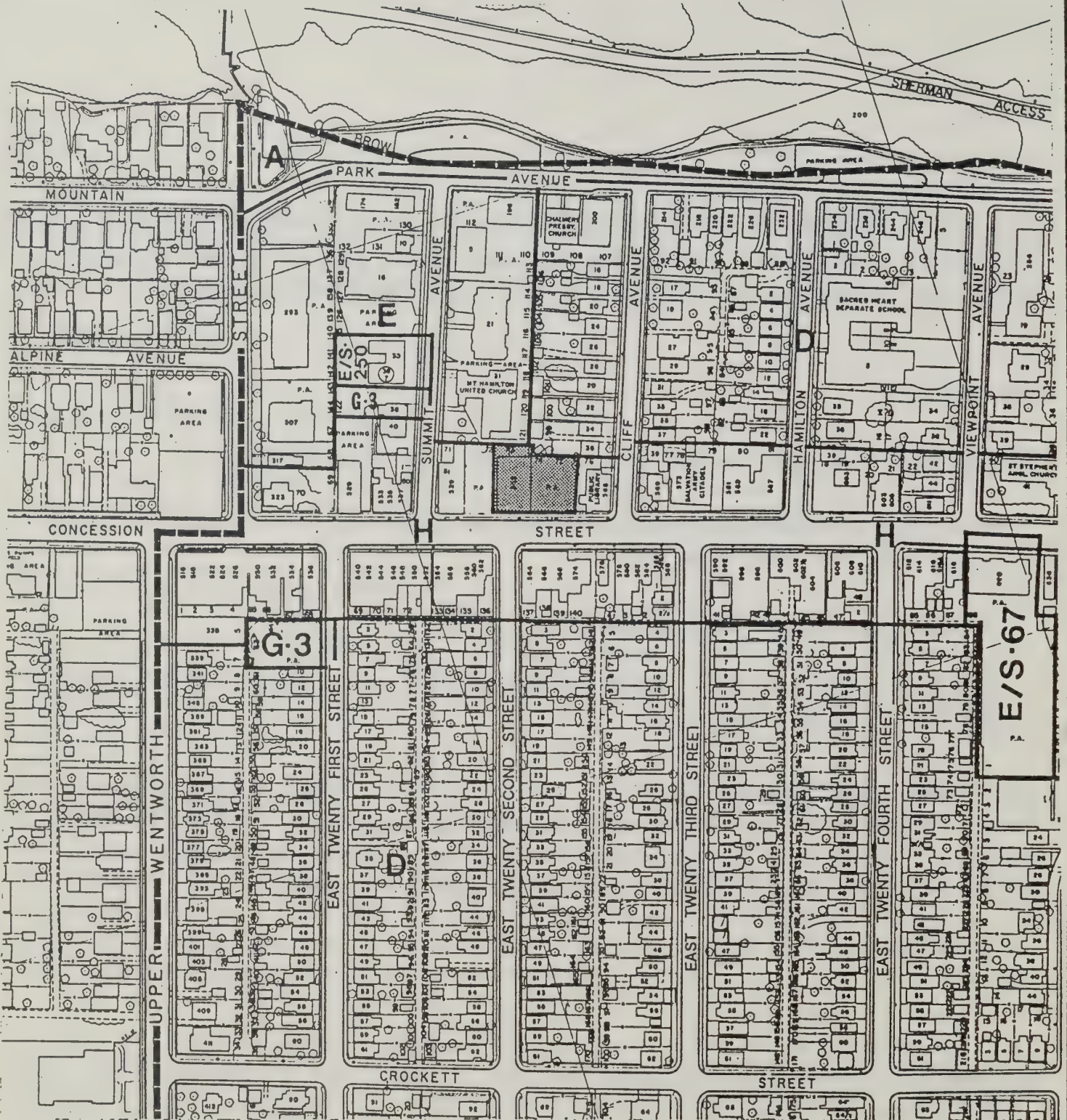
The provision of five replacement rental residential units is recommended since:

- the proposed conversion would eliminate 5 rental apartments from the City's supply of rental housing which are subject to the Act;
- the loss of 5 rental units would impact the already tight rental market; and
- Council is required by the Act to deny proposals which it considers would adversely affect the supply of affordable rental housing.

An Agreement should be prepared to the satisfaction of the City Solicitor to ensure the provision of the same number of residential units, similar in quality, location and rent. This Agreement would be detailed and would lay out all specifics with respect to timing and the aforementioned factors. The Certificate of Approval should not be issued until all conditions are met.

MD/dkp:ns

A:\RENTHOUS.PRO



NOTE: Extract from Eastmount Neighbourhood Zoning Map

City of Hamilton

Key Map

Rental Housing Protection Act
CU-91-001 555 Concession Street

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands

North



Scale
NOT TO SCALE

Date
APRIL, 1991

Reference File No.
CU-91-001

Drawn By
T.A.

CITY OF HAMILTON

- RECOMMENDATION -

2.

DATE: 1991 April 30

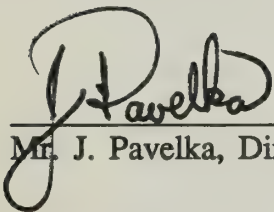
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Central/Beasley P.R.I.D.E. Housing Intensification
Programme; 1991 to 1993 Ministerial Allocation

RECOMMENDATION:

- a) That the City of Hamilton notify the Ministry of Municipal Affairs of its intent to utilize the Central/Beasley P.R.I.D.E. Housing Intensification allocation of seven hundred and twenty thousand dollars (\$720,000.) to equal a total project cost of one million, four hundred and forty thousand dollars (\$1,440,000.); and,
- b) That the Central/Beasley P.R.I.D.E. Housing Intensification Programme, Project No. 177.0 be proceeded with at a total cost of one million, four hundred and forty thousand dollars (\$1,440,000.) as contained in the 1991 to 1995 Capital Budget Programme.



Mr. J. Pavelka, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Central/Beasley P.R.I.D.E. Housing Intensification Programme was included in both the 1990 to 1994 and the 1991 to 1995 Capital Budgets most recently as Item No. 177.0 and was approved on 1991 February 23 in the First Report of the Finance and Administration Committee for 1991.

BACKGROUND:

On 1991 April 08 the Mayor received an announcement from the Ministry of Municipal Affairs, Community Development Branch attached as Schedule 'A' that the City of Hamilton had been successful in its application for financial assistance for the Central/Beasley P.R.I.D.E. Housing Intensification (H.I.N.T.) Programme. This application was made based on authorization received by City Council 1988 October 25, Section 5 of the 21st Report of the Planning and Development Committee. The Housing Intensification Programme, administered by the Ministry of Municipal Affairs for the Ministry of Housing, is designed to assist municipalities to meet the ever increasing demands for Housing Intensification in Ontario. Items such as improvement of existing infrastructure to support more residential units, creation of new units, street and sidewalk beautification and land and building acquisition for demolition and clearance are eligible.

Presently, the Community Renewal Section of the Public Works Department is implementing the Central/Beasley P.R.I.D.E. Programme at a total cost of six hundred and twenty-seven thousand dollars (\$627,000.) within the Community Improvement Project Area described by the map attached as Schedule 'B'. A Community Improvement Plan has been approved by the citizens at a public meeting and approved by Council, 5th Report for the Planning and Development Committee, 1991 March 26. This Community Improvement Plan, for the purpose of implementing the Central/Beasley H.I.N.T. Programme, will require further public input and addendums. Once recommendations for expenditure of the P.R.I.D.E. H.I.N.T. dollars have been formulated, a comprehensive report will be forwarded to the Planning and Development Committee for approval.

cc: Alderman V. Agro, Ward Two

Alderman Wm. McCulloch, Ward Two

Mr. E. Matthews, City Treasurer
Treasury Department

Ms. P. Noe Johnson, City Solicitor
Law Department

Mr. A. Georgieff, Director
Local Planning

APR 8 1991



Ontario

Office of the
Minister

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777 Bay Street
Toronto, Ontario
M5G 2E5
(416)585-7000

777, rue Bay
Toronto (Ontario)
M5G 2E5
(416)585-7000

April 3, 1991

His Worship
Mayor Robert Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mayor Morrow:

RE: Program for Renewal, Improvement, Development and
Economic Revitalization - Housing Intensification
(PRIDE-HINT). Application for 1990/91 Program
Year.

I am pleased to inform you that the City of Hamilton
has been allocated \$720,000.00 by the Province of
Ontario for PRIDE - Housing Intensification.

I am pleased to see that you have decided to encourage
intensification of housing in your community. Your
initiatives in this area support the achievement of
both local and provincial housing objectives.

Would you kindly advise the Cambridge Field Management
Office, by Council Resolution, of your formal
acceptance of this Provincial allocation within the
next month. On receipt of your acceptance of the
allocation, an advisor from the Cambridge Field
Management Office will contact your staff to discuss
the detailed aspects of program administration. At
this time it is important to advise you that no money
can be spent on the implementation of the PRIDE-HINT
proposal until the requisite Community Improvement Plan
has been approved.

His Worship, Mayor Robert Morrow

I would like to wish you every success in this undertaking and assure you that my staff will be pleased to assist you in every way possible.

Sincerely,


Dave Cooke
Minister
M.P.P., Windsor-Riverside

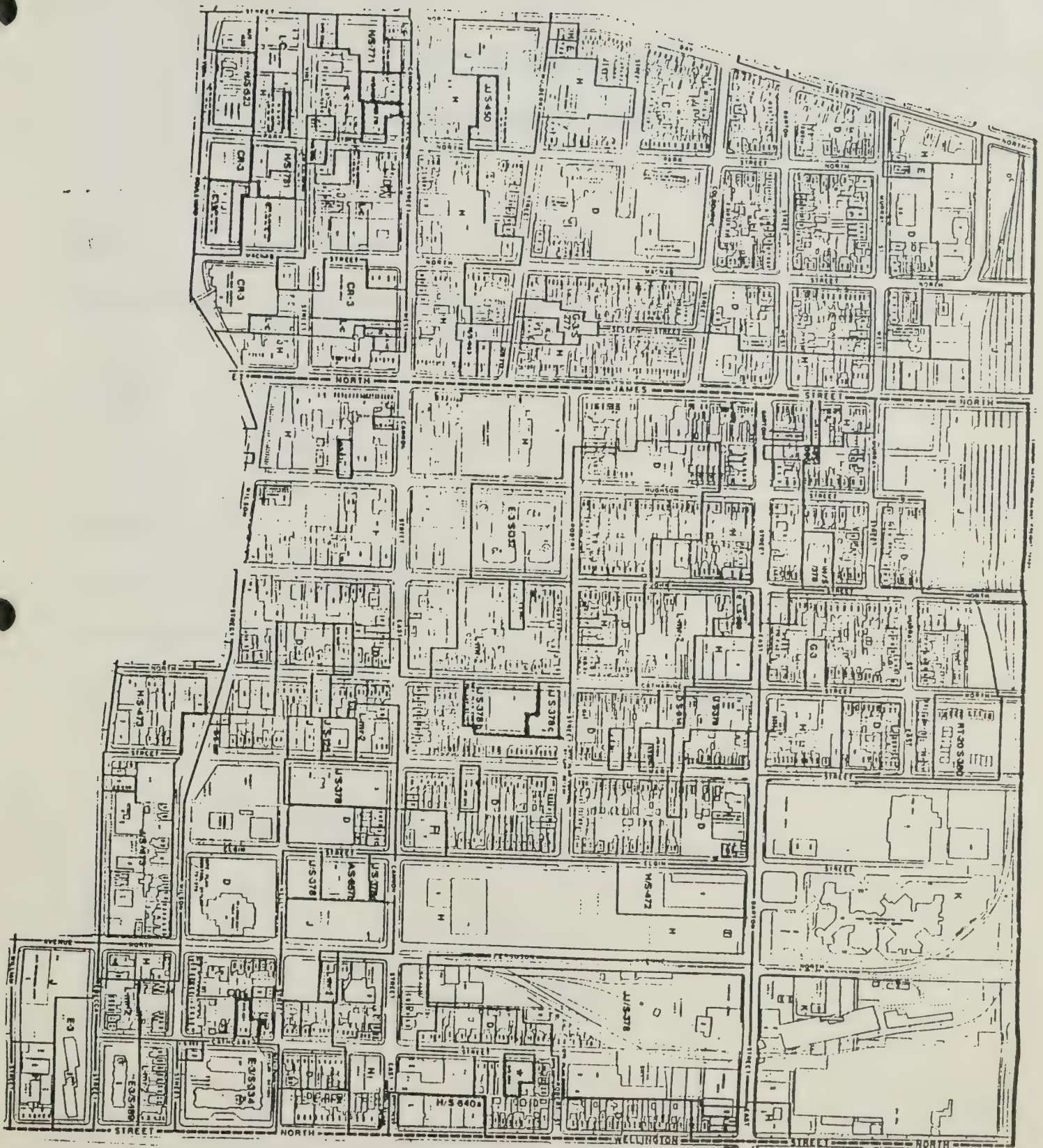
cc: The Honourable Bob Mackenzie, M.P.P.
Hamilton-East

The Honourable Richard Allen, M.P.P.
Hamilton-West

Mr. Dave Christopherson, M.P.P.
Hamilton-Centre

Mr. Brian Charlton, M.P.P.
Hamilton Mountain

Mr. Mark Morrow, M.P.P.
Wentworth East



Central/Beasley P.R.I.D.E.
Community Improvement Project Area

3.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 30, 1991

P5-4-7-9

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

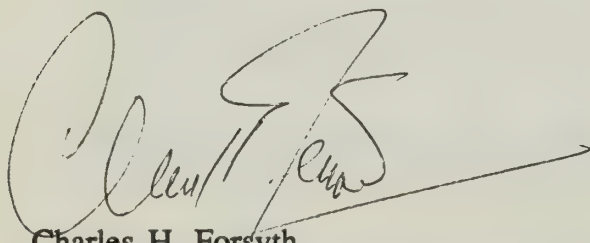
FROM: Charles Forsyth
Chairperson
Central Area Plan Implementation Committee (CAPIC)

SUBJECT:

Central and Beasley Neighbourhood Plans

RECOMMENDATION:

That the Neighbourhood Plans for Central and Beasley be combined.

A large, stylized handwritten signature in dark ink, appearing to read 'Charles H. Forsyth', is written over the printed name and title.

Charles H. Forsyth
Chairperson
CAPIC

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Central and Beasley Neighbourhood Plans were completed in the early 1970's and are now in urgent need of revision because of:

- a) long time frame since the original plans were done.
- b) a text being needed as well as a map.
- c) ongoing issues and pressure for development.
- d) the completion of the Central Area plan which contains new policies, e.g. emphasis on additional residential development.

The upgrading of the Central/Beasley environment is ongoing through the PRIDE program. The PRIDE advisory committee are considering setting up a neighbourhood association. A neighbourhood plan would allow a proactive approach to development of the neighbourhood while there is interest in the community.

James Street North can be seen to be a unifying element between the two neighbourhoods.

It would be more cost effective to carry out the neighbourhood plans for both Central and Beasley together.

The Central Neighbourhood has time allocated in the work program of the Planning and Development Department for 1991. It is intended that the work begin at the end of the year.

The Planning and Development Department support combining the Beasley and Central Neighbourhood Plans because in the long run it represents a more efficient use of resources.

Ja
D.G.:ns
A:\CAPICREP

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 30, 1991
DA-90-99 (DA-88-86)
Rymal Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

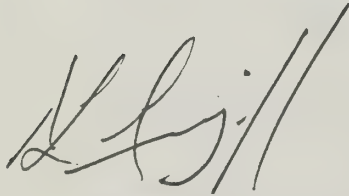
Site Plan Control Application DA-90-99 to amend DA-88-86 for modifications to the access driveways, parking, loading and manoeuvring areas to create a division for a two phased industrial/commercial condominium development at 1424 Upper Ottawa Street.

RECOMMENDATION:

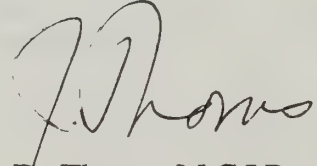
1. That approval be given to Site Plan Control Application DA-90-99 to amend DA-88-86 by Taba Developments Ltd., owner of land known as 1424 Upper Ottawa for modifications to the access driveways, parking, loading and manoeuvring areas to establish Phase 1 of a two phased industrial/commercial condominium development subject to the following:
 - i) modification to the plan in relation to notes and dimensions as marked in red on the plan;
 - ii) approval by the Committee of Adjustment to permit a .30 m minimum southerly side yard requirement instead of the required 6.0 m minimum;
 - iii) provision of a mutual right-of-way agreement between the subject property and the property to the north for the combined 20 foot wide driveway over Parts 1 and 2 on Plan 62R - 9773;
 - iv) provision of a Reciprocal Agreement and appropriate agreements which will govern the relationship between the Condominium Plan for Phase 1 and the future condominium plan for Phase 2 on the subject land;
 - v) submission of revised plans detailing the site layout, grading, and landscaping of Phase 2;and further,

2. That the following resolution be forwarded to City Council for approval:

That in regard to Site Plan Control Application DA-90-99 by Taba Developments Ltd., owners of lands known as 1424 Upper Ottawa Street for modifications to the access driveways, parking, loading and manoeuvring areas to establish Phase 1 of a two phased industrial/commercial development, that the plans and drawings of Site Plan Control Application DA-90-99 and including plans showing Phase 2, be registered on title.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

Since the plans and drawings were originally approved under Site Plan Control Application DA-88-86, which detailed the relationships between Phase 1 and Phase 2 under a single ownership, it is necessary to ensure that the intent of DA-88-86 with respect to access driveways, parking, loading and manoeuvring areas is guaranteed regardless of the ownership of the two phases.

BACKGROUND:

Plans have been submitted to amend DA-88-86 for modifications to the access driveways, parking, loading and manoeuvring areas to establish Phase 1 of a two phased industrial/commercial condominium development at 1424 Upper Ottawa Street. The details of the development for the previous application and the amendment are as follows:

	DA-88-86 (Phase 1 & 2)	DA-90-99 (Phase 1)
• Net Lot Area	10,347.5 m ²	6,164.26 m ²
• Gross Floor Area	4,682.1 m ²	2,018.1 m ²
• Building Height	7.0 m (max.)	7.0 m (max.)
• No. of Parking Spaces Provided	148	58

- | | | | |
|---|--|------------------------------|-----------------------------|
| • | No. of Loading Spaces Provided | four (4) @
3.7 m x 18.0 m | two (2) @
3.7 m x 18.0 m |
| • | Landscape Area | 1,926.0 m ² | 381.0 m ² |
| • | Exterior Building Materials - Brick Facing, Decorative Concrete Block, Stucco Panels, Solarium Glazing and Metal Roof. | | |

COMMENTS RECEIVED:

The Hamilton-Wentworth Engineering Department has advised that the revised/amending site plan showing as built information by A.T. McLaren dated January 11, 1991 is approved with respect to grading. Transportation has no further comments.

The Building Department has reviewed the plans submitted and has forwarded the following comments:

- "1. The Committee of Adjustment application A-90:276 for a side yard of .30 m instead of 6.0 m is required to be approved and finalized.
2. The Land Division Committee application H-3-91 to establish right-of-way on the land requires to be approved and finalized.
3. Two of the units are presently occupied by commercial uses.
4. Based on a gross floor area of 2018.1 m² and occupied by commercial uses, a minimum of fifty-one (51) parking spaces and two (2) 3.7 m x 18.0 m x 4.3 m loading spaces are required.
5. The words "loading dock" refer to a platform, therefore, the drawings should indicate "loading space".

The Traffic Department has reviewed the revised/amending plans submitted and has found it to be satisfactory.

The Hamilton Street Railway has reviewed the application and is not opposed to the development.

The Law Department has forwarded their comments with respect to the application and are attached.

COMMENTS:

The applicant has requested an amendment to Site Plan Control Application DA-88-86 in order to register the proposed plan of condominium for Phase 1 of the development which has been constructed.

It is necessary to modify the approved site plan under DA-88-86, with respect to access driveways, parking, loading and manoeuvring in order to satisfy minimum by-law requirements for the lands presently built upon.

This will enable Phase 1 to operate as a separate entity until such time as Phase 2 has been constructed.

However, the site plan amendment and the plan of condominium propose a variance to the zoning by-law with respect to the southerly side yard requirement from the new condominium line. The plan shows a southerly side yard of .30 m minimum, which is necessary to allow Phase 2 to abut Phase 1 in the future. A 6.0 m minimum side yard is required.

The above-mentioned variance can be supported since it will facilitate a logical and orderly development of the two phases as originally proposed. The applicant has submitted an application A-90:276 to the Committee of Adjustment for approval.

Furthermore, during preliminary discussions regarding vehicular movement between the two phases in the future, it was recommended that a number of registered rights-of-way be established between the two phases. This will ensure proper ingress and egress from the parking areas and the designated loading spaces of the development.

The applicant has submitted an application to the Land Division Committee, Application H-3-91, to establish the appropriate rights-of-way. The Committee approved the application on January 8, 1991 subject to the following:

- "1. Satisfy ALL requirements of the City of Hamilton.
2. Submit a deposited Ontario Land Surveyor's Reference Plan of the subject parcels to the Land Division Committee office, unless exempted by the Land Registrar.
3. Submit proof of final approval of any necessary variance(s) from the requirements of the Zoning By-law."

Once the amending site plan has been approved, the applicant can finalize the condition of the Land Division Committee Application, H-3-91.

However, in light of the comments received from the City of Hamilton Law Department, it is recommended that the plans and drawings of this approval be registered on title, and that appropriate agreements be established to govern the relationship between Phase 1 and Phase 2 with respect to access driveways, parking, loading and manoeuvring area, regardless of the ownership of the two phases.

To ensure that the relationship between Phase 1 and 2 is understood, it is necessary to show the details of development for Phase 2. Thus, as a condition of approval it is recommended that revised plans be submitted showing the details of the site layout, grading and landscaping of Phase 2.

JL/ma/ns
WPDA9099

LAW DEPARTMENT
MEMORANDUM

PLANNING & DEVELOPMENT	
LOCAL PLANNING DEPARTMENT	
File No.	Received
TO	INTERESTED PARTIES
DATE	FILED
YOUR FILE: DA-90-99	
OUR FILE: 1-54.221	
PHONE: 546-4685	
DATE: 1991 April 5	

TO: Mr. A. L. Georgieff,
Director of Local Planning
Attention: Mr. J. Sakala

FROM: Lorne E. Farr,
Assistant City Solicitor

SUBJECT: Site Plan Agreement
1423 Upper Ottawa Street

YOUR FILE: DA-90-99

OUR FILE: 1-54.221

PHONE: 546-4685

DATE: 1991 April 5

discussed: At our meeting of March 27, 1991, the following facts on this application were

- 1) The applicant originally applied for a site plan agreement for a parcel of land which will contains two groups of buildings, plus roads and a shared parking area.
- 2) The applicant now wants to develop part of the site as a condominium and amend the site plan to cover only this part of the whole parcel.
- 3) The applicant has offered to register an access agreement between the two parcels.
- 4) The site shares a 20-foot wide right-of-way with an abutting owner.
- 5) You asked what would be the legal implications of the applicant's proposal.

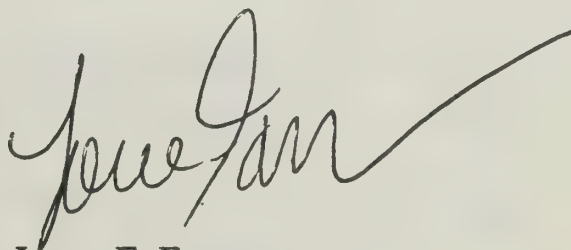
Due to the layout of the roadways, the development of the two parts of the site must be co-ordinated.

I suggest that your Department require the applicant to register the site plan agreement for the entire parcel of land on both parts of the parcel. The agreement will be carried forward on the parcel register for the condominium and will be on title for the other parcel, so that any subsequent owner will have to develop the land in accordance with the plan, or amend, or discharge the site plan. This would give the City some control over the eventual development of the second parcel of land. As well, I suggest the City require the condominium to obtain a 50% tenancy in common in the land that will form the access roads between the two projects. This would allow the condominium to have a registered right in that land. It would make the access over the remaining parcel of land a right of the condominium so that any subsequent owner could not prevent the use of the land by the condominium. I am told that such an ownership by a condominium is possible.

Another condition your Department could impose is that the applicants register the various access agreements when the condominium is formed. These agreements cannot be registered until the condominium is formed as the current owner cannot execute an agreement with himself. An agreement must be between two different legal entities.

Finally, on the combined 20-foot wide driveway over Parts 1 and 2 on Plan 62R-9773, a title search indicates the rights-of-way do not have the consent of the Land Division Committee on the easements. Therefore, under the Planning Act, these easements are void and do not create any interest in the land.

If your Department wants the applicant to have access over the right-of-way over Parts 1 and 2 on Plan 62R-9773, I suggest you require the applicant to obtain Land Division Committee consent for the easement.

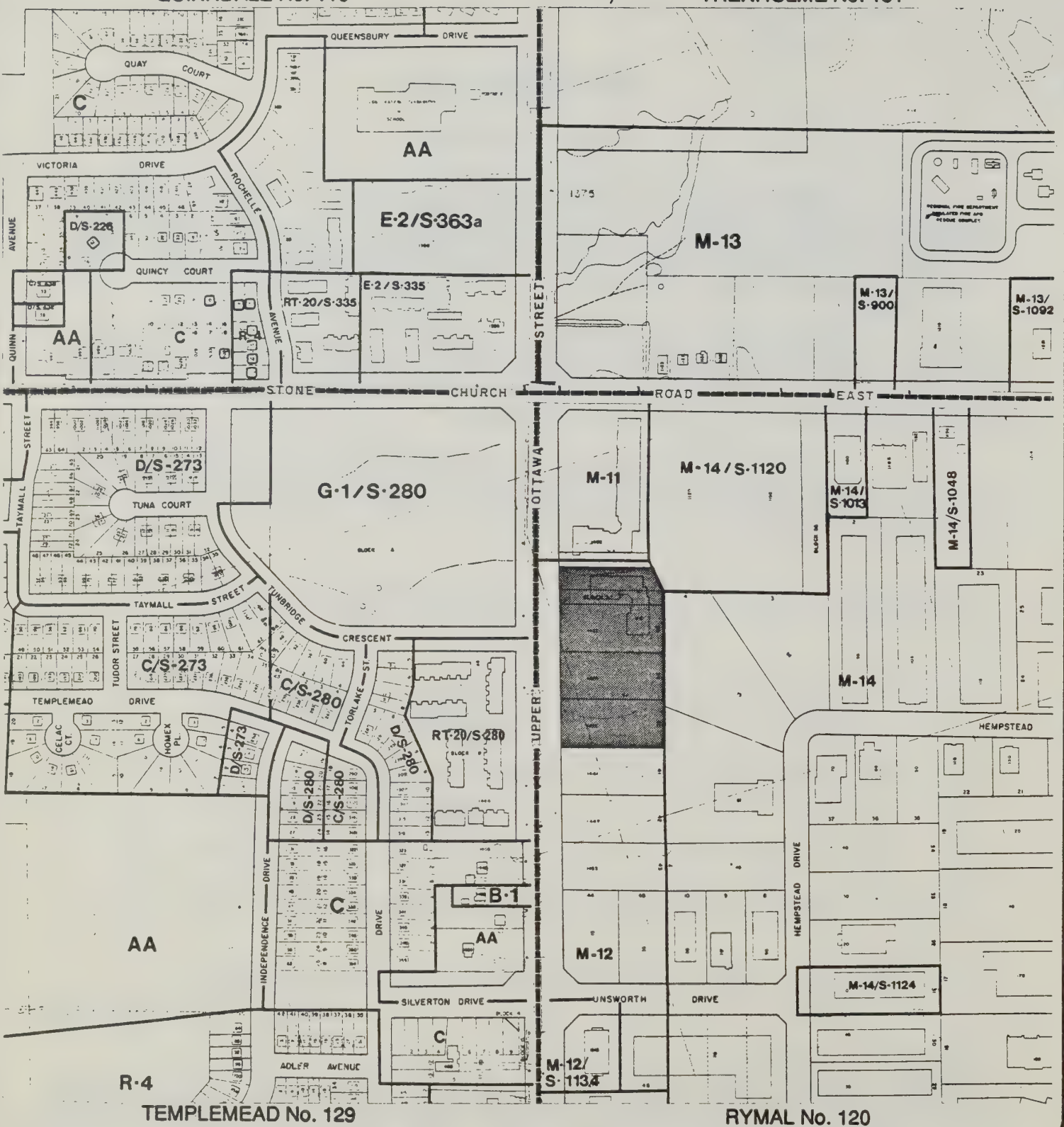
A handwritten signature in black ink, appearing to read "Lorne E. Farr", with a long, sweeping horizontal line extending to the right.

Lorne E. Farr,
Assistant City Solicitor.

LEF:js

QUINNDALE No. 110

TRENHOLME No. 131



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-90-99

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North

Scale
1:5000Date
NOVEMBER 23, 1990Reference File No.
DA-90-99Drawn By
Z. K.

CITY OF HAMILTON
- RECOMMENDATION -

5.

DATE: 1991 May 2
(P7-3)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Environmentally Sensitive Area Development Study, Geomatics International 1990 -
Prepared for Hamilton-Wentworth Region - Request for Comments

RECOMMENDATION:

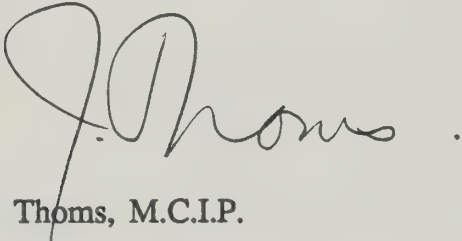
The Clerk be requested to:

1. advise the Region that the City supports the recommendations of the "Environmentally Sensitive Area Development Sensitivity Study"; and,
2. request the Region for the opportunity to comment on any specific amendments to the Region's Official Plan that may result from this study, in order to assess their implications in more detail.

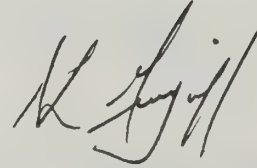
EXPLANATORY NOTE:

The Region of Hamilton-Wentworth has requested the City's comments, amongst others, on a report titled "Environmentally Sensitive Areas Development Sensitivity Study". The purpose of the study was to review eight Environmentally Sensitive Areas in the Region (two of which are in the City of Hamilton), with respect to the implications of cumulative

development, and to determine measures to protect their integrity. The study was prepared as part of the Region's five year review of the Official Plan.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Region of Hamilton-Wentworth commissioned a study to review eight Environmentally Sensitive Areas (ESA's) in the Region. The study looked at the implications of incremental developments and determine measures to ensure that the integrity of these ESAs are not jeopardized.

Study provides:

- a detailed examination of the ESA's in the Region in terms of their original basis for designation;
- additional supporting information relating to the selection criteria; and,
- present conditions with regard to development in and adjacent to them since they were originally identified in 1976.

Two of the ESA's evaluated are in the City of Hamilton: Royal Botanical Gardens/Cootes Paradise; and, Felker's Falls and Niagara Escarpment (see Map 1 attached).

Findings of study for the two ESA's in the City included:

- **Royal Botanical Gardens/Cootes Paradise** - Since its original designation in 1976, this area had been designated a provincially significant life science Area of Natural and Scientific Interest by the Ministry of Natural Resources, as well as a Class 1 Wetland in the Province. The marsh area continues to be a very significant environmental feature within southern Ontario.

The combination of sedimentation and water quality is still a major concern. The Remedial Action Plan (RAP) currently being developed for the Harbour appears to be addressing issues related to physical and chemical impacts in Cootes Paradise and the RAP's implementation should result in further improvements to the ESA. Other major impacts include the loss of marshland and intensive/extensive use of nature trails; and,

- **Felker's Falls** - The criteria for which Felker's Falls ESA was originally designated (geological exposures and forests within the valley) have not been impacted or diminished since it was designated.

The study identified a number of deficiencies in the ESA policies in the Regional Official Plan including:

- existing policies need to be strengthened;
- the current development review process which is based on the local municipality as the first level of the approval results in a lack of consistency among the communities;
- the justification for the granting of waivers from the requirements of an Environmental Impact Statement (EIS) has generally not met the requirements of the Regional Official Plan.

In addition, the study suggests that, to ensure consistency in the application of Regional Official Plan policies, the Region should be the first step in the review/approval process as opposed to the local municipality. To ensure the ESA objective is met, the review process should include the use of an Environmental Advisory Committee and/or dedicated staff support.

For a complete list of the study's recommendations see Appendix 1 (attached).

The City's Official Plan recognizes a total of eight Environmentally Sensitive Areas (see Map 1 attached). These eight are also recognized as ESAs in the Region's Official Plan. As noted previously, two of the City's ESAs were assessed in detail as part of the study.

Since the City's Official Plan was approved by the Province in 1982, there have been two EISs submitted and approved, and two waiver requests submitted and approved, as follows:

- The application of the ESA policies in the City has been limited, as noted above, however two concerns have been identified:

- there is a duplication in the processing of EISs/waiver requests between the local and Regional level (for example, both the City and Region are required to circulate the document to various agencies for comment); and,
- reliance on the expertise of the commenting agencies to cover all aspects of the EIS or waiver request.

The study's recommendation that the Region take a leadership role in the processing of EIS/waivers requests could eliminate the concern regarding duplication. In addition, the study's recommendation of investigating the establishment of an "Environmental Advisory Committee" seems to address the concern of having expertise to evaluate EIS or waiver requests. Should an "Environmental Advisory Committee" be established, it would be appropriate to include representation from the affected local municipality.

The study recommends major policy changes to the Region's Official Plan, as well as the process for approval of EISs and waiver requests. Many of the recommendations arose out of problems identified in other municipalities in the Region. Notwithstanding, the thrust of the recommendations are designed to improve the effectiveness of protecting and enhancing the integrity of ESAs and these can be supported.

CONCLUSIONS:

Based on the foregoing, the Region be advised that the City supports the recommendations of the study. The City would however, appreciate the opportunity to comment on any amendments that may result from this study, in order to assess their implications in more detail.

CF/dkp

A:\POLICY.GEN

REVISIONS		
DATE	O.P.A. / SOURCE	
03 03 08	Council	Direction



environmentally sensitive areas

legend

- 1 royal botanical gardens, coolies paradise
- 2 hamilton mountain (radial line)
- 3 hamilton niagara escarpment
- 4 red hill creek, kings forest
- 5 ancaster creek headwater
- 6 red hill creek marsh van wagners marsh
- 7 telkners falls & niagara escarpment
- 8 toll gate ponds

MAP 1

schedule D
to the official plan
for
the city of hamilton
JUNE 30, 1990

The lack of buffer zones and the presence of road access to the natural edge of ESAs has resulted in encroachment and physical disturbance to certain ESAs due to uncontrolled access and the dumping of refuse.

Siltation control devices within Hamilton-Wentworth are not utilized or not adequate in 95 percent of developments. Also, their use varies considerably by local municipality. In those cases where siltation control devices are employed there appears to be a lack of follow-up to ensure they are being properly maintained. The lack of follow-up also appears to apply to other mitigation measures recommended as conditions of approval.

CHAPTER 6 ESA POLICY AND DEVELOPMENT REVIEW PROCESS ANALYSES

The development of a natural areas policy to replace the ESA policy framework will not enhance the protection of ESAs. The use of objective technical data to identify and determine the significance of ESAs and their features will provide the strongest long term protection measures. However, application of a natural areas policy to areas currently excluded from ESA designation would enhance the environmental policies of the Region.

The ROP policy objective of protecting ESAs to the fullest extent possible is not being met on the basis of:

- (1) the existing ROP policies - existing policies need to be strengthened and recommendations for rewording and content changes are provided;
- (2) the development review process - the current process utilizes the local municipality for the first level of the approval process which results in a lack of consistency in application, a restricted consideration of impact vis à vis implications of the development on ESAs downstream but outside of the local municipality, and a restricted assessment with regard to representativeness; and
- (3) the waiver/EIS process - the granting of waivers has no rationale with regard to the potential impact from the development and the documentation from waiver statements and EISs has not been sufficient to meet the requirements of the ROP.

To ensure the consistent application of ROP policies, it is concluded that the Regional Municipality of Hamilton-Wentworth should be the first step in the review/approval process and, further, that to ensure the ESA Objective is met, the review process should include the use of an Environmental Advisory Committee and/or dedicated staff support.

* * RECOMMENDATIONS

CHAPTER 4 ESA Information Update and Development Impacts

- 4.1 The Ecologistics (1976) ESA report should be updated to include the information provided in the 'ESA Environmental Update' sections for each of the eight study ESAs. Particular reference to earth and life science designations (ANSIs); other official designations of significance (such as Carolinian Canada); and the updated rare status of plants, birds, mammals and insects should be made available to proponents. These designations and the occurrence of rare species are important factors for the full evaluation of impacts and the development of mitigation strategies.
- 4.2 ESA Environmental Updates should also be prepared for the other 29 ESAs not included in this study. Again, emphasis should be placed on objective designations of significance such as those identified in the updates for the eight study ESAs.

- 4.3 Field studies and field checking requirements were identified in the 'ESA Environmental Update' sections of Chapter 4. These should be undertaken in order to update and complete the baseline data requirements for development review purposes. Specific studies were identified for Borer's Falls, Spencer Gorge, Dundas Valley, Tiffany Falls and Felker's Falls ESAs.
- 4.4 High sensitivity areas of Christie Conservation Area ESA include the upland deciduous forests and some cedar swamp. Part of this highly sensitive habitat is not included in the ESA but is adjacent to it. All high sensitivity areas should be protected from development (Dillon 1988).
- 4.5 The Region of Hamilton-Wentworth and the Hamilton Region Conservation Authority should request the Ontario Ministry of the Environment to review the Certificate of Approval Limits for Tend-R-Fresh and guidelines established for ORENCO with regard to water quality violations in Spencer Creek/Christie Reservoir and determine, based on more recent data (1989/90) whether more stringent limits are required.
- 4.6 The lower slopes of the escarpment below the Steetley Brow Landfill (old Dundas Quarry) should be monitored annually for the presence of springs contaminated with leachate from the landfill. Seeps should be analyzed for nutrients, total phenols and total organic carbon. If contamination is identified, a leachate collection system may be required for the base of the escarpment (below the upper surface of the Queenston Shale) in order to protect Spencer Creek and Cootes Paradise.
- 4.7 The outdoor privies along the Bruce Trail east of Webster's Falls should be removed and replaced with facilities serviced with a vault and pump out.
- 4.8 The Dundas Valley ESA is experiencing tremendous pressures for development by single family residences and large subdivisions both within and adjacent to the ESA. Stormwater runoff from these developments has clearly impacted upon the ESA as shown in part by the increased requirement for impoundments. Due to changes in the hydrologic flow from these developments other impacts may seriously affect criteria 2, 3, 4 and 5. As such any further developments proposed for the areas within, adjacent or upstream of the Dundas Valley ESA should be required to assess the impacts associated with storm water runoff as part of the environmental approval process. Mitigation measures should be specifically identified prior to the development, including design features to maximize infiltration.
- 4.9 Control of surface erosion and elimination of stream siltation must be fully implemented for all developments within, adjacent and upstream of the Dundas Valley ESA. In addition to requiring measures such as silt curtains, off-channel siltation ponds, rip-rap, and so on, regular maintenance of the control structures with silt removal should also be instituted. Regulatory authorities should monitor development sites at least weekly and daily during rain events.
- 4.10 The systematic elimination of grass, old field and immature forest habitats by developments within the Dundas Valley ESA must be fully evaluated. Detailed field and mapping studies of each habitat type within the ESA should be undertaken and the role of each evaluated with regard to the requirements for plants, animals, birds and aquatic species. This work applies specifically to criterion #5. Criteria 1, 2, 3, 6, 7 and 9 were also noted as having been impacted to varying degrees and, thus, field and mapping studies should also be undertaken to provide a detailed assessment of their condition. These studies will provide a baseline of information against which to determine exact impacts of proposed developments as well as guide future acquisition and land use planning within the ESA.

- 4.11 In conjunction with the above recommendation, some assessment of the remaining undisturbed areas of the Dundas Valley ESA must be undertaken in order to provide a baseline for comparing impacts on criterion 7 (large, undisturbed areas). Arguments for proceeding with developments in terms of this concern deal with the proposed development in isolation. Each development is relatively small and, hence, this kind of piece meal assessment can easily lead to the loss of important expanses of undeveloped areas.
- 4.12 Uncontrolled access to the Dundas Valley ESA for four wheel drive and motorized off-road vehicles should be systematically identified and access control structures should be constructed. Of particular concern are access points in the upper portions of the valley including from Powerline Road, Gravel Pit Road (south of Mineral Springs), the Hamilton-Wentworth Police Shooting Range and via the abandoned TH&B rail line where it intersects Mineral Springs Road and other roads in this area.
- 4.13 One of the most serious cumulative impacts to the eight ESAs studied is the on-going sedimentation of Cootes Paradise and the consequent loss of marshland habitat. All developments within the watershed of Cootes Paradise, not just those within ESAs should be required to institute sediment control measures which will eliminate surface erosion during construction and allow for greater infiltration of rainfall and snow melt following construction.
- 4.14 Anthropogenic sources of copper, iron, phenols and phosphorus resulting in exceedences of Provincial Water Quality Objectives in Spencer Creek should be investigated and remediated. The recommendations presented by Painter et al. (1989) should also be instituted.
- 4.15 Vehicular access to trails in the Cootes Paradise ESA, particularly by off-road bikes and bicycles must be controlled. Many of the uncontrolled access points should either be controlled or closed completely. Controlled access points should have trail head control structures to restrict access. The RBG and Hamilton-Wentworth should also consider an educational program to make landowners adjacent to Cootes Paradise aware of the situation and provide a phone number for reporting incidents. Educational material should also be prepared to advise potential offenders of the concern in terms of the impact on the environment and any fines which may apply.
- 4.16 Developments proposed in and adjacent to Tiffany Falls ESA should be designed with sufficient setbacks (undeveloped buffer zones) to protect the forests of the steep shale slopes and prevent regrading.
- 4.17 Specific impacts and appropriate mitigating measures with regard to criterion 6 in Tiffany Falls ESA as a result of the Falling Brook Estates subdivision development should be determined prior to construction.
- 4.18 Impacts to criteria 1, 3 and 9 as a result of the Maplevue Estates subdivision expansion in Devil's Punch Bowl ESA should be fully evaluated. If of sufficient quality, the Regional Municipality of Hamilton-Wentworth in cooperation with the HRCA and the NEC should identify options to fully protect the last remnant of the secondary escarpment.

- 4.19 Ridge Road provides direct access for the dumping of refuse over the face of the escarpment in Devil's Punch Bowl ESA. This practice detracts from the aesthetic value of the ESA and, depending on the content of some materials, could be damaging to the forest as well as to surface and groundwaters. Options to eliminate this practice must be developed. The most costly option would be to realign Ridge Road so that it is well back from the edge of the escarpment. Another option would be to totally eliminate any opportunity for stopping or parking along the shoulder of the road. In any case, all access to the ESA in this area should be focused at the parking lot maintained by the HRCA to the east of the creek. The westerly parking lot should be removed.
- 4.20 Runoff from Ridge Road and culvert pipe outlets which are directed toward the edge of the escarpment are contributing to erosion of the escarpment face. These culverts are unsightly and erosion is damaging the escarpment slope forest as well as undermining the road. Realigning Ridge Road, as noted in the previous recommendation, would eliminate this problem. Other options include regrading the road and directing drainage toward Stoney Creek on the south side of Ridge Road.

CHAPTER 5 ESA Sensitivity, Impacts and Planning Considerations

- 5.1 Developments adjacent to ESAs should incorporate design measures to minimize access and disturbance to the ESA. Buffer zones at least 30 m in width should be incorporated between the ESA and rear property boundaries. In cases where the development is adjacent to habitat for rare species or high quality biological communities, the buffer may need to be even wider. Roads within the development should not permit direct access to the natural edge of the ESA but should be separated by buildings and/or buffer zones.
- 5.2 An EIS should be required as part of the approval process for developments within and immediately adjacent to ESAs involving subdivisions, townhouse developments, apartment buildings, single family residences on new lots (i.e., the lot was not previously inhabited or used for commercial/industrial facilities), stream alterations including reservoirs, upstream industrial operations whose effluent may impact water quality, stormwater drainage, and 'forest management'.
- 5.3 EIS documentation should address all criteria for which the ESA was designated, landforms and biological resources should be evaluated according to their significance as assigned in the technical literature and all statements of impact/effects should be supported by field work or relevant citations.
- 5.4 Mitigation measures which are required should be clearly indicated in the notice of approval and the proponent should be required to undertake whatever maintenance may be necessary. The region should monitor the implementation of mitigation measures which are specific to minimizing impacts to the ESAs.
- 5.5 The use of siltation control devices should be mandatory for all developments undertaken within the Regional Municipality of Hamilton-Wentworth. This practice would benefit all ESAs, but is particularly necessary to maintain the ecological significance of the Dundas Valley and Cootes Paradise ESAs.

CHAPTER 6 ESA Policy and Development Review Process and Analyses

- 6.1 Hamilton-Wentworth Regional Council should make revisions to ESA policies 5.3.2, 5.3.3, 5.3.4, 5.3.6, 5.3.7, 5.3.8, 5.3.9, 5.3.10, 5.3.12, 5.3.13, 5.3.16, 5.3.20, 5.3.21, 5.3.23 of its Official Plan, in accordance with the comments provided in Section 6.5 of this report.

- 6.2 Hamilton-Wentworth Regional Council should make major revisions to its ESA policies 5.3.15 and 14.9.2, in accordance with the comments and discussion provided in Section 6.5 of this report.
- 6.3 New, more detailed Environmental Impact Statement Guidelines should be drafted to serve as a framework for the completion of EIS studies. The new Guidelines should include statements on the appropriate season for conducting field inventories, and on the need for qualified field biologists to conduct such inventories.
- 6.4 If a process to grant waivers from an EIS is retained, it should reflect the high value placed on the natural environment by providing rigorous rules under which waivers may be granted. Such waivers should only be granted after due consideration from an advisory committee and Planning Staff.
- 6.5 The objectives of the ESA system, and the criteria upon which the ESAs are designated, should be embodied directly within the ESA policies of the revised Official Plan.
- 6.6 Additional policies placing primary emphasis on the natural environment in planning should be incorporated into the revised Official Plan, as discussed in Section 6.3 of this report. In particular, the identification of all green space would be supportive of ESA protection requirements. Natural areas adjacent to ESAs including both those shown as ANSIs and those without any formal designation of significance have been identified on the maps of the eight study ESAs. Areas identified as ANSIs should be included within the adjacent ESA. Consideration should also be given to incorporating these either as buffer areas or more formally under a natural areas policy.
- 6.7 The Regional Municipality of Hamilton-Wentworth should take more direct responsibility for the maintenance and enhancement of environmental quality within the Region by introducing and implementing stronger policies relating to the ESA system and green space in general.
- 6.8 The Regional Municipality of Hamilton-Wentworth should fully investigate the establishment of an Environmental Advisory Committee. Such a committee is the most effective way to ensure the consistent application of the ESA policies and review process as well as provide a high level of technical expertise required to fully evaluate potential impacts and the adequacy of EISs. If an EEAC is established then the option to request a waiver from the EIS requirements should be removed from policy.

Subsection A.3.2 - Environmentally Sensitive Areas

It is the intent of the policies of this Plan that those areas which are ecologically significant will be deemed ENVIRONMENTALLY SENSITIVE AREAS. It is intended that ENVIRONMENTALLY SENSITIVE AREAS be preserved in their natural state; however, limited development may be permissible, subject to assessment of impacts and sensitive design measures to retain the natural attributes of the area.

- 3.2.1 Notwithstanding the land use designations shown on Schedule "A" and the accompanying policies, those lands identified on Schedule "D" as ENVIRONMENTALLY SENSITIVE AREAS will be preserved in a natural or undisturbed state, unless a study is carried out to determine the feasibility of development in these AREAS, as required in Policy 3.2.3 below. Accordingly, if it is proven that these AREAS can be developed, then the appropriate land use designation and policies will apply. In the interim, the primary uses permitted will be for open spaces, undeveloped parks, public or private recreational uses, conservation uses and those uses existing at the time of the approval of the Regional Official Plan. (O.P.A. No. 46)
- 3.2.2 In recognition of the Regional Official Plan, Council will advise the Region when proposals are received for a change in the legal use of land or buildings through amendments to the Official Plan or Zoning By-law, or for an increase in intensity of an existing legal use by land severances, subdivision or variance affecting any ENVIRONMENTALLY SENSITIVE AREA.
- 3.2.3 Where development or redevelopment is proposed on lands designated ENVIRONMENTALLY SENSITIVE AREAS, Council will consider an amendment application to this Plan and/or the implementing Zoning By-law providing that the proposed use is compatible with the protection of the ENVIRONMENTALLY SENSITIVE AREA and the Parkway Belt West Plan, where applicable. For this purpose, Council will further require of the proponent that a Feasibility Study and Impact Analysis be undertaken by a qualified professional with expertise in environmental studies, and that this Study and Analysis contain the following:
- i) A statement as to the environmental quality, uniqueness and character of the ENVIRONMENTALLY SENSITIVE AREA in which the proposed undertaking will occur;
 - ii) A description of the purpose of the undertaking, including:
 - a) a description of alternative methods of carrying out the undertaking;
 - b) an evaluation of the advantages and disadvantages to the environment of the undertaking; and,

iii) A description of:

- a) the environment that will, or that might be expected to, be affected, directly or indirectly;
- b) the effects that will, or might, be expected on the environment; and,
- c) the actions that will, or that might, be required to prevent, change, mitigate or remedy the effects upon, or the effects that might reasonably be expected upon, the environment by the undertaking.

- 3.2.4 Council will provide the appropriate public authorities with an opportunity to review and make recommendations on the acceptability of the Feasibility Study and Impact Analysis for an ENVIRONMENTALLY SENSITIVE AREA.
- 3.2.5 When an Environmental Assessment of a proposal is carried out under the Ontario Environmental Assessment Act, that assessment will be considered as fulfilling the Feasibility Study and Impact Analysis requirements of this Plan.
- 3.2.6 Council may waive, with the concurrence of Regional Council, the requirement for a Feasibility Study and Impact Analysis provided it is determined by Council, in consultation with other agencies, that the Study and Analysis are not warranted.
- 3.2.7 Prior to granting any amendment specified in Policy A.3.2.3 above, Council may consider entering into an agreement with the property owner to preserve all or part of the ENVIRONMENTALLY SENSITIVE AREA in a natural or undisturbed state.
- 3.2.8 Land abutting ENVIRONMENTALLY SENSITIVE AREAS will be developed in a manner to protect and complement the adjacent hazard and/or natural attributes.
- 3.2.9 In accordance with the Regional Official Plan, the boundaries of the Environmentally Sensitive Areas, as shown on Schedule "D", may be redefined as a result of a Feasibility Study and Impact Analysis, without an Amendment to this Plan. (O.P.A. No. 5)

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 25, 1991
ZA-90-73
Mewburn Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

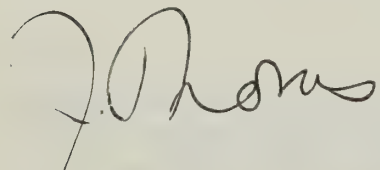
SECOND REPORT

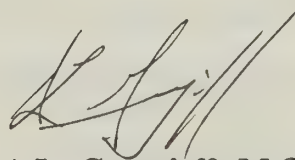
SUBJECT: Request for a change in zoning - lands on the east side of West Fifth Street in the area south of Stone Church Road West.

RECOMMENDATION:

That Zoning Application 90-73, Mary Finochio and Mascia Enterprise, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit a 120 unit townhouse development on property located on the east side of West Fifth Street in the area south of Stone Church Road West, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- a) The proposed townhouse development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject land for "SINGLE AND DOUBLE RESIDENTIAL" use;
- b) It would be incompatible with existing and future intended uses in the surrounding area; and,
- c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the neighbourhood plan and alter the character of the area.


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed change in zoning is to permit a 120 unit townhouse development on the subject lands (see APPENDIX "B").

The application was previously scheduled for the February 20, 1991 meeting of the Planning and Development Committee. However, the application was tabled at the request of the applicant in order for staff of the Planning and Development Department to meet with a member of the provincial Housing Advocacy Task Force. The applicant subsequently chose not to proceed with this meeting and has requested that the application be re-heard by the Planning and Development Committee.

- Zoning Application 88-36

At its meeting held on July 13, 1988 the Planning and Development Committee **DENIED** Zoning Application 88-36 for a change in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit multiple family development (apartments) on property surrounding No. 1073 West Fifth Street. The application was denied for the following reasons:

- a) The proposed multiple family development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use.
- b) It would set a precedent for future similar applications.
- c) It would be incompatible with existing and future intended uses in the surrounding area.

- By-law No. 82-141 (ZA-82-14)

City Council passed By-law No. 82-141 on June 29, 1982. The purpose of the By-law was to provide for a change in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District for property located at No. 1073 West Fifth Street.

The effect of the By-law was to permit a severance of land at No. 1073 West Fifth Street on which a heritage building is located, from the subject lands.

- Land Severance Application H-6-85

At its meeting held on January 22, 1985 the Regional Land Division Committee considered and approved land severance application H-6-85 to convey a 30.48 m x 60.96 m parcel of land occupied by a heritage dwelling and to retain an irregular shaped parcel of vacant land surrounding the conveyed parcel having a broken frontage of 187.4 m and 58.674 m respectively fronting onto West Fifth Street.

APPLICANTS:

Mary Finocchio and Mascia Enterprise, owners.

LOT SIZE AND AREA:

- 187.4 m (614.82 ft.) of lot frontage on West Fifth Street;
- 143.7 m (471.54 ft.) of lot depth; and,
- 2.69 ha (6.65 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwelling and vacant	"B" (Suburban Agriculture and Residential, etc.) District and "AA" (Agricultural) District
to the south	greenhouses and a single-family dwelling	"AA" (Agricultural) District
to the east	vacant	"AA" (Agricultural) District
to the west	single-family dwellings	"AA" (Agricultural) District

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed change in zoning is to permit a 120 unit townhouse development on the subject lands (see APPENDIX "B").

The application was previously scheduled for the February 20, 1991 meeting of the Planning and Development Committee. However, the application was tabled at the request of the applicant in order for staff of the Planning and Development Department to meet with a member of the provincial Housing Advocacy Task Force. The applicant subsequently chose not to proceed with this meeting and has requested that the application be re-heard by the Planning and Development Committee.

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- a) The proposed multiple family development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use.
- b) It would set a precedent for future similar applications.
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APPLICANTS:

Mary Finochio and Mascia Enterprise, owners.

LOT SIZE AND AREA:

- 187.4 m (614.82 ft.) of lot frontage on West Fifth Street;
- 143.7 m (471.54 ft.) of lot depth; and,
- 2.69 ha (6.65 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwelling and vacant	"B" (Suburban Agriculture and Residential, etc.) District and "AA" (Agricultural) District
to the south	greenhouses and a single-family dwelling	"AA" (Agricultural) District
to the east	vacant	"AA" (Agricultural) District
to the west	single-family dwellings	"AA" (Agricultural) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan and subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL area of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density development will complement those of a lower density, with sufficient spacing to maintain privacy amenity and value.

- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
 - iii) Encourage RESIDENTIAL development that provides a range of types of tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE AND DOUBLE RESIDENTIAL" use on the approved Mewburn Neighbourhood Plan, the proposal does not comply with the intent of the Neighbourhood Plan. Approval of the application would require redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".

COMMENTS RECEIVED:

- The Building Department has advised as follows:

"It appears that the minimum 3.5 m between buildings has not been provided.

Note: Land Division Committee application H-6-85 severed a parcel 30.48 m x 60.96 m for the existing house at 1073 West 5th and the land remaining had broken frontage of 187.4 m & 58.674 m remaining in one parcel. Frontage and parcel should be verified."

- The Traffic Department has advised that:

"The approved neighbourhood plan for the area designates the property as single and double residential. However, the approved plan only deals with the area east of West 5th Street and the future status of West 5th Street has not been finalized. We cannot support the rezoning of these lands to a higher density at this time and therefore recommend that the application be tabled until such time as the neighbourhood plan for the remainder of the Mewburn Neighbourhood is finalized."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are external public watermain available to service these lands. However, there are no sanitary sewers available. Internal servicing shall be dealt with through a draft plan of subdivision.

Any works within the West 5th Street road allowance must conform to the Region's Road Use By-law."

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS:

1. The proposal would not conflict with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject land for "SINGLE AND DOUBLE RESIDENTIAL" use. Approval of the application would require redesignation to "ATTACHED HOUSING".
3. The agent has advised that this development is to be affordable housing. Although this Department supports the provision of increased affordable housing, this proposal cannot be supported for the following reasons:
 - i) it conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use;
 - ii) it would be incompatible with existing and future intended uses in the surrounding area; and,
 - iii) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the neighbourhood plan and alter the

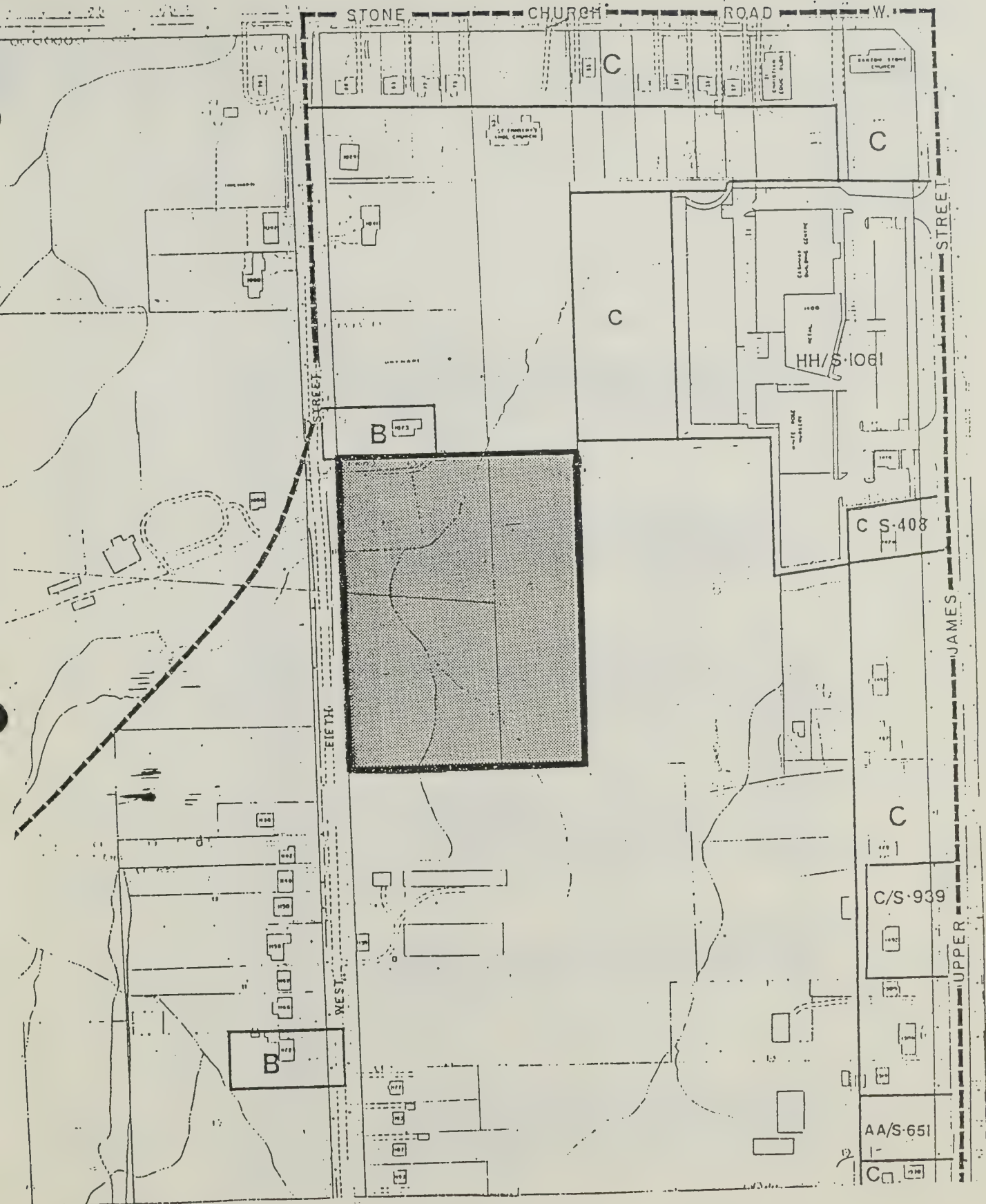
character of the area.

4. Although the Building Department has identified one variance, the applicant has advised that the project would be constructed in accordance with the requirements of the City's Zoning By-law.
5. The Engineering Department has advised that services would not be available for these lands for three to five years.
6. The subject lands are not held in separate title but are part of a larger piece of property. A severance would be required prior to any independent development of these lands.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

MLT/ma
WPZA9073-2



Legend



Site of the Application



STONE CANYON



156' MIN. FRONT (WEST) LOT LINE

146.07 m (479.23 ft)

NORTH LOT LINE

THIS 10' WIDE DRIVE
IS 135.5'

187.40 m. (614.85 ft)

186.40 m. (611.54 ft)

SIDE LOT LINE

143.725 m

(471.54 ft)

SOUTH LOT LINE

WEST 5TH STREET, 7
PAVED AREA

5' x 5.0' DAY LIGHT
TRIANGULAR TO 18" RADIUS
PAINTED TYP.

4.5' R.
TYP.

21.0' MIN. 7.5'

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ROSART
PROPERTIES INC.

7a.
ZA90-73

February 8, 1991

Mr. Joseph Finochio
Broker
Finochio Real Estate Inc.
134 James St. South
Hamilton, Ontario
L8P 2Z4

Dear Mr. Finochio:

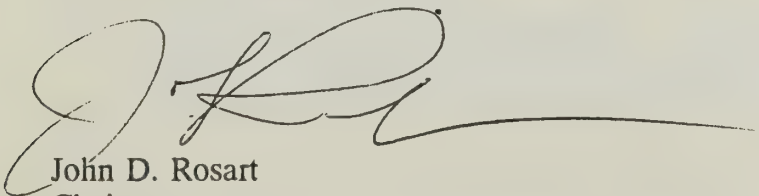
**RE: YOUR TOWN HOUSE PROJECT
LOT 15, CONCESSION 8 - WEST 5TH ST., HAMILTON, ONTARIO
APPLICATION OF MARY FINOCHIO AND MASCIA ENTERPRISES**

This letter will serve as support to your **INTENSE** development re the above application. A project such as yours is definitely needed in this area.

The park on the west side of West 5th Street and the commercial development we have at the corner of Rymal Road and James will make this a very viable area.

Yours truly,

ROSART PROPERTIES INC.



John D. Rosart
Chairman

JDR/bst
Encls.

8.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 April 26
ZA-91-03
Quinndale Neighbourhood

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: Request for changes in zoning - No. 1285 Upper Gage Avenue.

RECOMMENDATION:

That approval be given to Zoning Application 91-03, Arthur Boiago, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "2", to permit development of the subject lands for 14 townhouses, for property located at No. 1285 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
- ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District;
- iii) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
 - a) That Section 10E(2)(a)3. shall not apply;
 - b) That a landscaped area of not less than 3.0 m in width shall be provided and maintained along the entire northerly and easterly property lines;
 - c) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire northerly and easterly property lines;

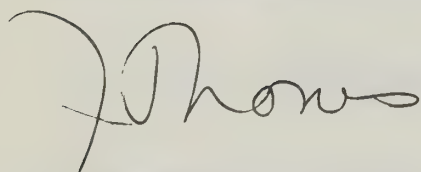
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and the subject lands on Zoning District Maps E-49B and E-49C be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49B and E-49C for presentation to City Council;
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- vii) That the approved Quinndale Neighbourhood Plan be amended by redesignating the subject lands to "ATTACHED HOUSING".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District modified for Block "1" and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District modified for Block "2", for property located at No. 1285 Upper Gage Avenue, as shown on the attached map.

The effect of the By-law is to permit development of the subject lands for fourteen townhouse units. In addition, the By-law establishes the following variances as special provisions:

- no street townhouses shall be permitted;
- a 3.0 m landscaped area shall be provided and maintained along the entire northerly and easterly lot lines; and,
- a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire northerly and easterly lot lines.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant is seeking a rezoning from "AA" (Agricultural) District to "RT-20" (Townhouse

- Maisonette) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "2" in order to develop the subject lands for fourteen townhouses (see APPENDIX "B").

APPLICANT:

Arthur J. Boiago, owner.

LOT SIZE AND AREA:

The subject property has:

- 34.1 m (112 feet) of lot frontage on Upper Gage Avenue;
- 125.9 m (413 feet) of lot depth; and,
- 0.43 ha (1.05 acres) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	townhouses	"RT-10" (Townhouse) District
to the west	townhouses	"DE-3" (Multiple Dwellings) District modified
to the east	single-family dwellings	"R-4" (Small Lot Single-Family Detached Dwellings) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- i) Residential uses subject to the following provisions:
 - d) satisfy the provisions of Subsections A.2.1 and C.7;
- A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradations so that high-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The subject lands are also located within Special Policy Area 23 which limits the size of commercial development on these lands. These policies are not applicable to the proposal.

The proposal to develop the subject lands for townhouses does not conflict with the above-noted policies and thus does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" on the approved Quinndale Neighbourhood Plan. Approval of the application would require a redesignation to "ATTACHED HOUSING".

COMMENTS RECEIVED:

- The following agencies and departments have no comment or objection:
 - Hamilton Region Conservation Authority;
 - Freeway Project Office Staff;
 - Heritage Planning Staff.

- The Traffic Department has advised that:

"We have reviewed the above-noted application and find it satisfactory provided that no street townhouses be permitted fronting on Upper Gage Avenue."

- The Building Department has advised that:

"No concept plan submitted to determine compliance with Zoning By-law No. 6593."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermain and separate storm and sanitary sewers available to service these lands."

The designated road allowance width of Upper Gage Avenue is 36.58 m. In accordance with this designation, as a condition of development approval, sufficient lands must be dedicated to the Region to establish the property line 18.29 m from the centreline of the original Upper Gage Avenue road allowance.

Any works which may occur within the Upper Gage Avenue road allowance, as widened, must conform to the Region's Road Use By-Law."

COMMENTS:

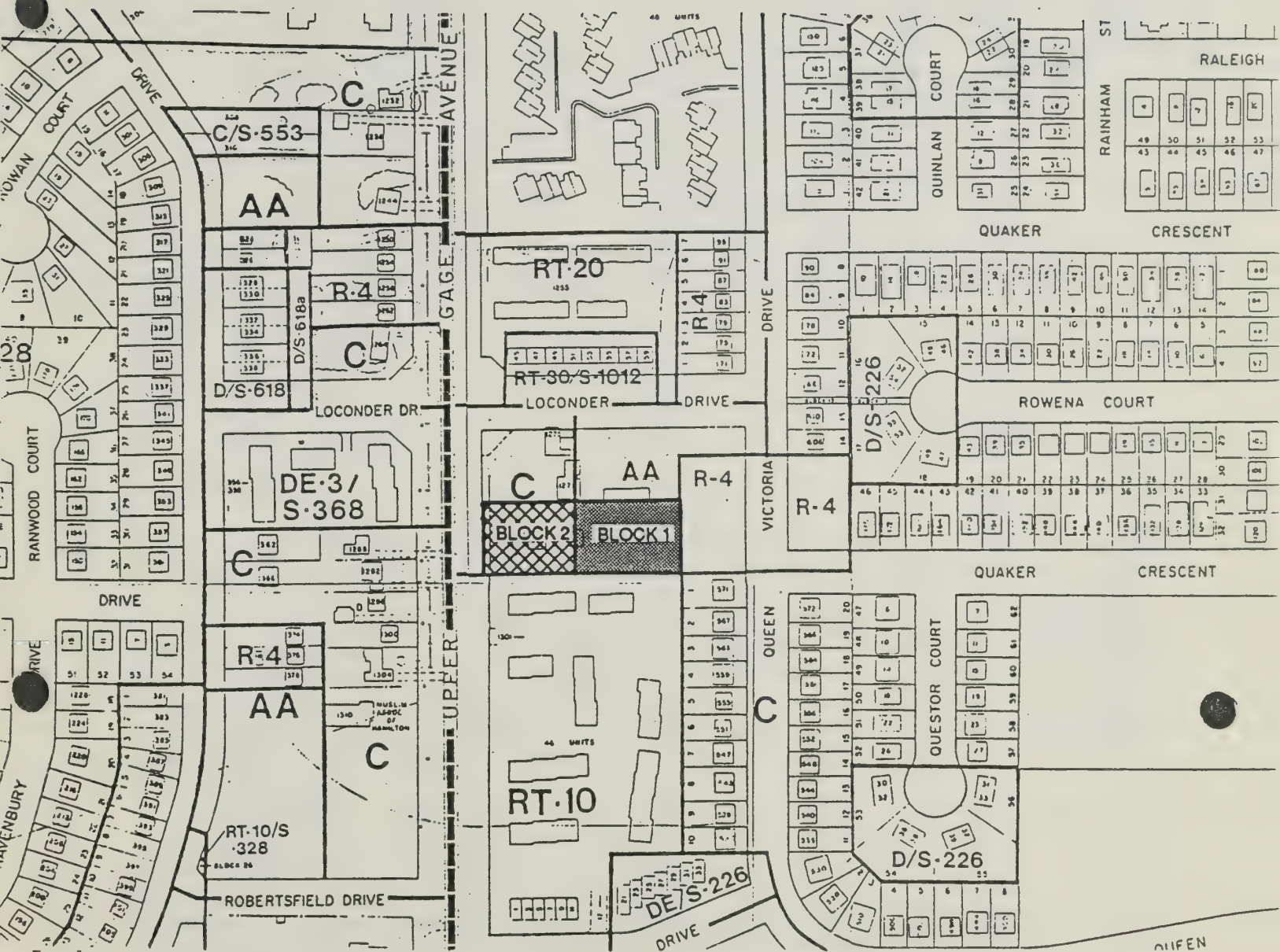
1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Quinndale Neighbourhood Plan. Approval of the application would require a redesignation from "COMMERCIAL" to "ATTACHED HOUSING".
3. The application has merit and can be supported for the following reasons:
 - i) the lands are suitably located on a major arterial road (Upper Gage Avenue);
 - ii) development of these lands for townhouses is a natural extension of the townhouses to the south; and,
 - iii) approval of this application will not jeopardize the commercial designation on the remaining commercial lands (to the north). It is noted that the remaining commercially designated lands are approximately one acre in area and would continue to be viable as a neighbourhood shopping area.
4. In order to mitigate any potential spill-over effects on the adjoining single-family homes to the east and north, it would be appropriate to require a 3.0 m landscaped area and a visual barrier of not less than 1.2 m and not more than 2.0 m in height be provided and maintained along the entire northerly and easterly property lines.

5. In keeping with the recommendation of the Traffic Department, it would be appropriate to prohibit street townhouses from this development.
6. The "RT-20" (Townhouse - Maisonette) District regulations are subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters such as landscaping, parking, and access will be addressed at that stage of development approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

MLT:ma
WPZA9103



Legend

Proposed change in zoning from:

"AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.

"C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District.

UPPER

GAGE

AVE.

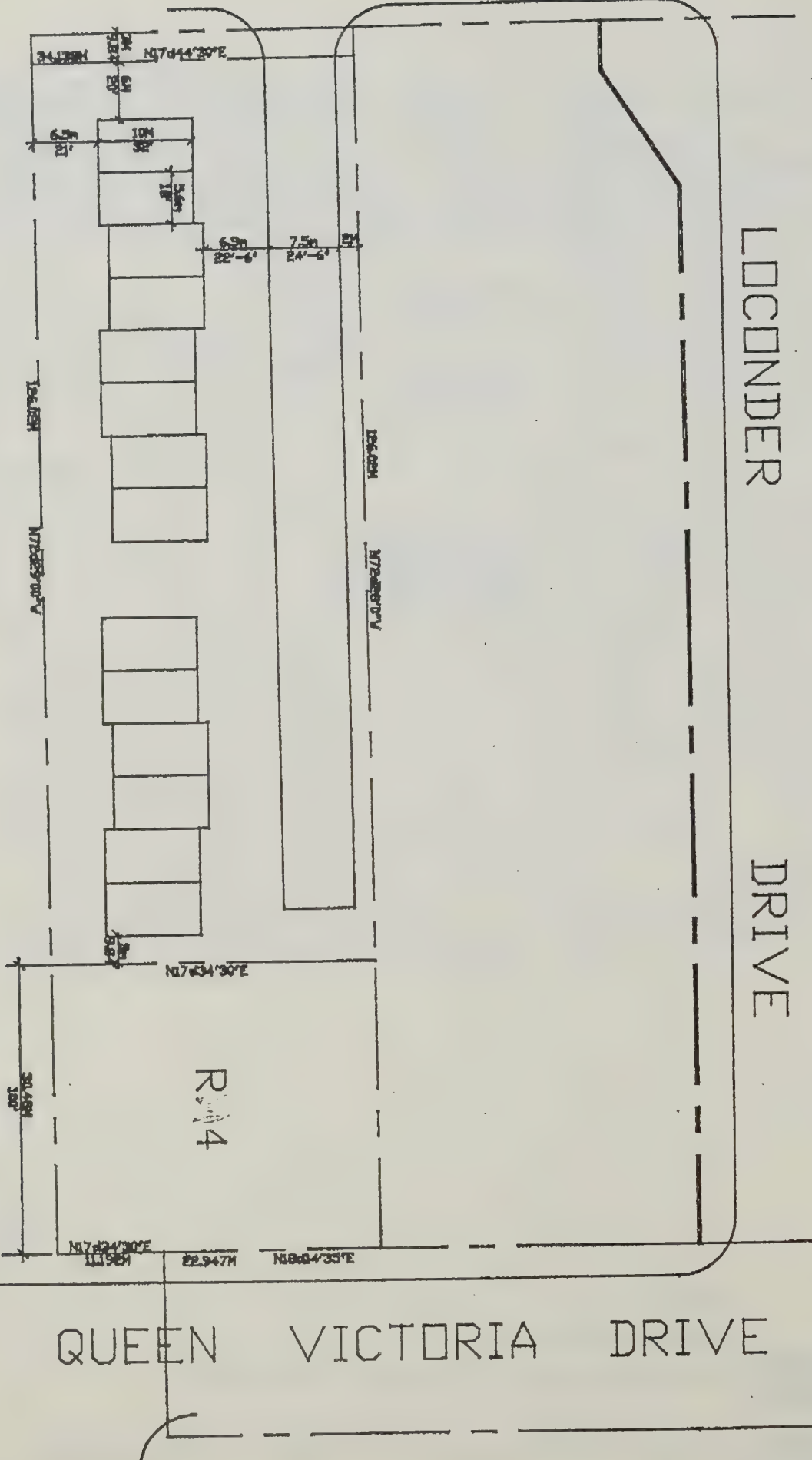
LOCONDER

DRIVE

QUEEN VICTORIA DRIVE

14 UNITS

SCALE 1"=500



APPENDIX B

24/11-03

ZA 91-03
1285 UPPER GAGE
May 8 mtg.

8a.

April 22, 1

Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

RECEIVED

APR 26 1991

CITY CLERKS

RE: Zoning Changes

Dear Sir:

As a home owner in the neighborhood where this zone change is being proposed, we would like to express our concerns.

Of any neighbourhood in the city, this area seems to have more townhouses. The area is already congested with traffic being very heavy at all times of the day and evening on Upper Gage and Queen Victoria. The two schools in the area are very full and can not be expected to handle more students. Townhouses generally indicate an increase in the population of children.

Already, the city has neglected its responsibilities in overpopulating the area and not keeping up with local schools and proper traffic signals on the main streets. The corner of Loconder and Upper Gage is a nightmare for all parents and bus users. These people must cross a very busy street with constant traffic in both directions with no light or crosswalk.

If the townhouses do go in, is there a process through which the local residents can have input into if they are to be low income housing?

We hope that these items will be considered in your decision.

Sincerely,

Ron and Wendy Richardson
71 Queen Victoria Drive

9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 25, 1991
ZA-91-09
Rushdale Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a further modification in Zoning - No. 25 Redmond Drive and No. 549 Stone Church Road East.

RECOMMENDATION:

That approval be given to Zoning Application 91-09, Hamilton General Homes, owner, requesting a further modification to the "G-4" (Designed Neighbourhood Shopping Area) District regulations, to permit a restaurant having a gross floor area of 205 m² (2,207 sq.ft.) in Phase 1 of the existing plaza, for the property located at No. 25 Redmond Drive and No. 549 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations, as contained in Section 13D of Zoning By-law No. 6593, as amended by By-law No. 90-141, be further modified to include the following variances as special requirements:
 - 1) That Section 3.(b)1. of By-law No. 90-141 be deleted and the subsequent subclause be renumbered accordingly.

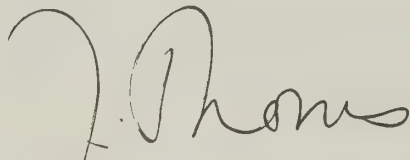
- 2) That Section 3.(c) of By-law No. 90-141 be deleted in its entirety.
- 3) That a new Section 3.(c) be added to By-law No. 90-141 as follows:

"Notwithstanding Section 13D(1)B(iv) of Zoning By-law No. 6593, only one restaurant having a maximum gross floor area of 205 m² without any dancing or other entertainment except music shall be permitted."
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1166a, and that the subject lands on Zoning District Map E-27C be notated S-1166a;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a further modification to the "G-4" (Designed Neighbourhood Shopping Area) District regulations, for the property located at No. 25 Redmond Drive and No. 549 Stone Church Road East, as shown on the attached map.

The effect of the by-law is to permit only one restaurant, (excluding entertainment except music) having a maximum gross floor area of 205 m² (2,207 sq. ft.) within the existing plaza in Phase 1. Currently, a restaurant is only permitted in the existing stone house located at No. 549 Stone Church Road East (Phase 2). As a result, a restaurant will no longer be permitted in the stone house.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

Both the stone building and Phase 2 of the Plaza have been leased to McMaster and Henderson Hospitals to establish a family medical centre.

The owners wish to use a portion of the building in Phase 1 of the existing plaza for a restaurant since it will no longer be located in the stone building. The applicant has indicated that the restaurant will be approximately 205 m² in size, with a seating capacity for 32 persons. It will be a 'family style' restaurant with some takeout food provided. The restaurant is intended to serve the medical centre in the plaza as well as the local residents.

- Zoning Application 89-134 (By-law 90-141)

On March 13, 1990, the Planning and Development Committee approved an application to establish uniform zoning on the subject lands which would include a full range of commercial uses, a restaurant within the existing building fronting on Stone Church Road East and to provide for an exemption from the lot area requirements. In addition, the applicant requested that a video store and gift shop be added to the list of commercial uses.

- Zoning Application 88-64 (By-law 88-267)

On October 11, 1988, City Council approved ZA-88-64 to rezone the lands from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Shopping Area) District, modified, to permit the development of the lands at No. 25 Redmond Drive for a shopping plaza. The uses were restricted to a hardware store; bakery; medical/dental offices; real

estate; insurance agents; lawyers or auditors offices; grocery store; drug store; hairdresser/barber; dry cleaners; and a bank. Restaurants were excluded.

LOT SIZE AND AREA:

- 176 m (577 ft.) of lot frontage on Redmond Drive;
- 57 m (187 ft.) of lot frontage on Stone Church Road East; and,
- 0.77 ha (1.9 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	medical centre, plaza	"G - 4" (Designed Neighbourhood Shopping Area) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings, hydro right-of-way	"AA" (Agricultural) District
		"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the east	hydro right-of-way	"AA" (Agricultural) District
to the west	townhouses	"RT-20" (Townhouse-Maisonette) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A". The proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The proposal is designated for "COMMERCIAL" on the approved Rushdale Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The Hamilton Region Conservation Authority has no objections.
- The Building Department has advised that:
 - "1. Section 13D(1)B(iv) of Zoning By-law 6593 permits the use of a "Restaurant or Refreshment Room without any dancing or other entertainment except music". It shall be determined if this use, as described, will be permitted or only a restaurant with restrictions.
 2. With respect to this application, Section 3.(b)1. of By-law 90-141 shall be repealed.
 3. Since the existing building known as 549 Stone Church Road East will now be used as part of a proposed medical centre, it is recommended that Section 3.(c) of By-law 90-141 be repealed."
- The Traffic Department has advised that:

"While we have no objection to a restaurant being placed in Building A, we do have some concern with the amount of parking that will be supplied for the proposed uses.

The zoning by-law considers this site to be a shopping centre and, therefore, parking is required at a rate of 1 space/31 m² of GFA in excess of 450 m². This results in a parking requirement of 66 spaces. There are presently 67 spaces supplied.

However, this is not your typical shopping centre as 43 percent of the GFA is going to be used as a medical facility. Medical offices normally require parking at a minimum rate of 1 space/19 m². Therefore, the medical offices will require a minimum of 57 parking spaces. This would leave only 10 spaces from the original 67 to serve the commercial use and restaurant. The current proposal is for a 205 m² restaurant which could house approximately 32 patrons. Restaurants are required to provide a minimum 1 space/6 patrons resulting in a need for 6 parking spaces. The leftover commercial space of 1,210 m² would require a minimum of 25 spaces.

Therefore, if one were to calculate the required parking equal to the aggregate minimum number of parking spaces required to be provided for each use, which we feel is more realistic in this case, then a minimum 88 parking spaces would be required, i.e. 6 spaces for the restaurant, 25 spaces for commercial, and 57 spaces for medical offices.

If this facility is a success, and the applicant has stated that both McMaster University and Henderson are confident that it will be a tremendous success, and only the required 66 parking spaces are provided, we feel sure that there will be parking spillover onto the neighbouring streets which should not be encouraged. We, therefore, do not support this application unless a minimum 88 parking spaces are supplied.

One option to achieve this would be for the applicant to contact Hydro directly to investigate the possibility of leasing a portion of the abutting Hydro lands to put additional parking on."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

Any works which may occur within the Redmond Drive road allowance must conform to the City of Hamilton Streets By-law.

Comments from the City of Hamilton Traffic Department with respect to parking, traffic, generation, density of floor space and possible roadway improvements at the intersection of Redmond Drive and Stone Church Road should be considered."

COMMENTS:

- 1) The proposal complies with the intent of both the Official Plan and the approved Rushdale Neighbourhood Plan.
- 2) The proposed restaurant can be supported for the following reasons:
 - a) By-law 90-141 restricted a restaurant to the existing stone house fronting on Stone Church Road East. Based on the dimensions of the house, the restaurant would be approximately 172 m² in size. The gross floor area of the proposed restaurant (205 m²) is comparable and, therefore, its location in Phase 1 of the plaza is no less feasible than if it is located in the stone house;
 - b) the "G-4" District provisions permit a restaurant 'as-of-right' and this use is considered as no less desirable than other 'neighbourhood uses';
 - c) it is located on a major arterial road (Stone Church Road East); and,
 - d) it complies with both the Official Plan and the approved Rushdale Neighbourhood Plan.
- 3) The Traffic Department, has advised that they are opposed to the establishment of the restaurant due to concerns about parking. From a planning perspective, the intent of the rezoning is to allow the restaurant to shift from one location in the plaza to another.

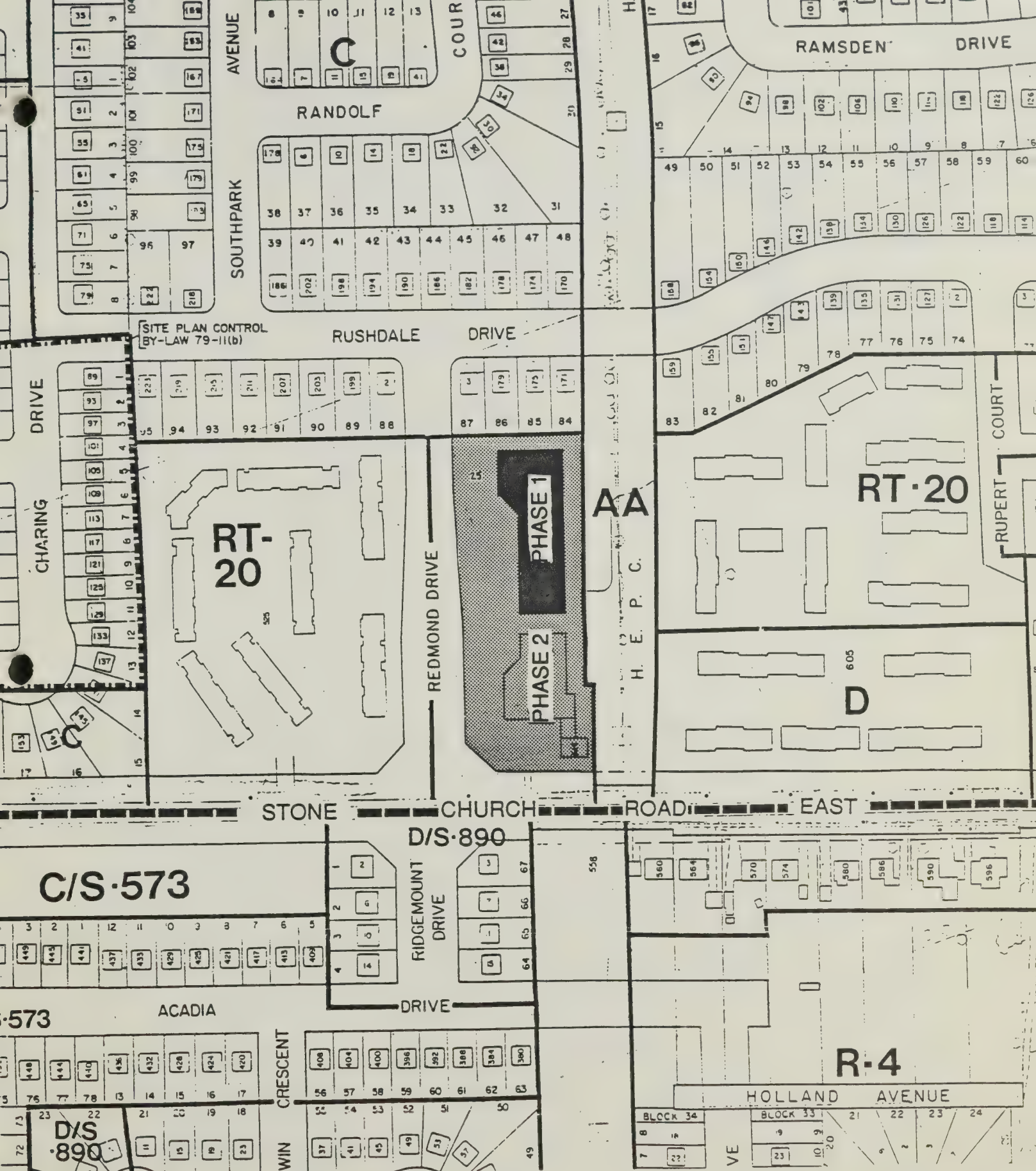
The development has remained unchanged from the time the plans were approved including the provision of required parking. In addition, the Traffic Department has indicated there may be spill over parking due to traffic generated by the medical centre and suggest that the applicant should pursue possible lease arrangements with Ontario Hydro respecting the use of the Right-of-Way for additional parking.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma

WPZA9109



Legend



Site of the Application



5

APR 23 1991

RECEIVED

APR 23 1991

170 Buchanan St.
Hawthorn, Cal.
KSN - 225
April 19, 1991.

CITY CLERKS

Deborah
The monthly award

City of

Main St. St.

Hawthorn, Cal.

KSN - 374

Re: File 91-89

25 Redmond Dr.

to whom is Mayhemian,
to are vehemently opposed
to any kind of restaurant
near our home. We have
worked hard to obtain
a nice home. We do not
want our home to go down
in value any more than
it has with the plaza
being as close.

Our selves and our
neighbors feel that a
family restaurant with
liquor would probably
not make it. This is
why we believe the
council would probably
apply for a license one

-2-

APR 23 1991

As I opened the restaurant
we have a great fear that
it will become a
roadhouse. A majority
of strip malls have
this kind of a restaurant.
Keto is a great example
of what can happen.

There was a roadhouse
on Upper Altam and
Jensen. Drugs, liquor
and links to organized
crime closed it down.

There is a high school
close by. These children
don't need any more
temptations than they
already have.

People drive like
there is no one else on
the street, in our
neighborhood. Alcohol
would not help this.

I know you're going
to say there is no
liquor involved. I don't
believe this one. The
restaurant is open.
Let's think and can

APR 23 1991

about the people who
live and work in
this survery. These are
the people who
pay taxes and vote
in alderman and
mayors and give people
like you jobs.

Please, no restaurant!

Sincerely yours,
Karen & Wayne
Napper
(Napper)

10.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 May 2
25T-90024
ZA-90-40

REPORT TO: Susan K. Reeder
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposed Official Plan Amendment
Proposed Rezoning Application (amended)
Proposed Draft Plan of Subdivision "Greening Estates"

RECOMMENDATION:

(1) **Official Plan Amendment and Zoning Application:**

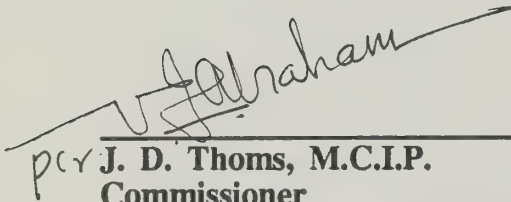
That amended Zoning Application 90-40, Patran Holdings Limited, owner, requesting an Official Plan Amendment to redesignate lands from "INDUSTRIAL" to "RESIDENTIAL" and to remove them from "SPECIAL POLICY AREA 11", and for changes in zoning from "M-14" (Prestige Industrial) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), to "RT-20" (Townhouse-Maisonette) District (Block "2"), to "RT-30" (Street-Townhouse) District (Block "3"), to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "4"), and to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "5"), to permit small lot single-family detached dwellings, semi-detached dwellings, townhouse dwellings, street townhouses, and apartments on property located at No. 45 Rifle Range Road, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

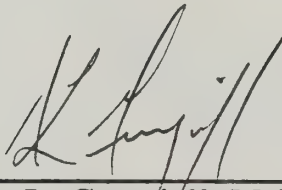
- (i) The proposal is contrary to general neighbourhood design criteria; is an over-intensification of use; and would be incompatible and out of character with established low density residential development in the area.

(2) **Subdivision Application:**

That the proposed draft plan of subdivision "Greening Estates", Patran Holdings Limited, owner, under Regional File No. 25T-90024, be denied in that the proposed

development does not comply with the City of Hamilton Official Plan, Zoning By-law and Neighbourhood Plan.


per **J. D. Thoms, M.C.I.P.**
Commissioner
Planning & Development Department


A. L. Georgieff, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On March 30, 1990, the applicant submitted the subject rezoning application for a change in zoning from "M-14" (Prestige Industrial) District to "RT-20" (Townhouse-Maisonette) District to permit a townhouse development.

During July of 1990, the applicant's agent met with staff of the Planning and Development Department to present a preliminary concept plan for development of the entire 18 acre +/- site which provides for a total of 354 units (see APPENDIX "B"). The concept plan provides for a range of housing types, styles and densities, and makes provision for changing the southerly portion of the site adjoining Whitney Avenue to accommodate a separate school site, if required.

On November 20, 1990, the applicant's agent filed an application for approval of a draft plan of subdivision, and amended the zoning application which provided for a total of 286 units (see APPENDIX "C").

On December 18, 1990, the Hamilton-Wentworth Roman Catholic Separate School Board passed a resolution authorizing it to make an application for expropriation of the applicant's lands (see APPENDIX "E").

At its meeting of February 6, 1991 the Planning and Development Committee considered a staff recommendation to have the subject application TABLED for the following reason:

"The proposal is considered premature until such time as a Neighbourhood Plan Review for part of the Ainslie Wood Neighbourhood Plan is carried out."

Following discussion, the Committee denied the recommendation and directed staff to prepare a specific recommendation to be presented at a Public Meeting for consideration.

On April 30, 1991, the applicant submitted a letter requesting a further amendment to the application. The amendment involved the deletion of 8 street townhouses and 3 semi-detached dwellings, to be replaced with 6 small lot single-family dwellings and 4 single-family dwelling lots, which provides for a total of 282 unit as follows:

- Block 1 - Small Lot Single-Family Dwellings (6 units) and Semi-Detached Dwellings (6 units)
- Block 2 - Townhouses (25 units)
- Block 3 - Street Townhouses (36 units)
- Block 4 - 8, 3 storey, 10 unit apartment buildings (80 units).
- Block 5 - 3, 4 to 6 storey apartment buildings (*129 units)

* It should be noted that both the Public Notice sign and the Public Notice sent our refers to 194 dwelling units. This should have read 129 units with 194 parking spaces.

Owner: Patran Holdings Limited, Stoney Creek, Ontario.

Surveyor: A. J. Clarke and Associates, Hamilton, Ontario.

Agent: Fothergill Planning and Development, Hamilton, Ontario.

Location:

The lands, comprising 5.62 ha, are located on the east side of Rifle Range Road south of Main Street West in the Ainslie Wood Neighbourhood, City of Hamilton.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Industrial building	"M-14" (Prestige Industrial) District, modified
<u>Surrounding Lands</u>		
to the north	T.H. & B. railway line, industrial/commercial uses, and parking lots	"J" (Light and Limited Heavy Industry, etc.) District and "G-3" (Public Parking Lots) District

to the south	single-family dwellings, vacant lands	"M-14" (Prestige Industrial) District, modified and "C" (Urban Protected Residential, etc.) District, modified
to the east	chemical plant and single-family dwellings	"J" (Light and Limited Heavy Industry, etc.) District and "C" (Urban Protected Residential, etc.) District
to the west	Industrial and single-family dwellings	"M-14" (Prestige Industrial) District, modified and "C" (Urban Protected Residential, etc.) District

Rezoning Proposal:

The owner proposes to rezone the lands from "M-14" (Prestige Industrial) District to "R-4" (Small Lot Single-Family Detached) District, to "RT-20" (Townhouse-Maisonette) District, to "RT-30" (Street-Townhouse) District, to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, and to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District.

Subdivision Proposal:

The owner proposes to subdivide the lands into 2 lots for zero lot line single-family dwellings, 6 lots for semi-detached dwellings, 1 block for group townhouse dwellings, 5 blocks for street townhouse dwellings, and 2 blocks for apartment dwellings. Last minute changes to the proposed plan are outlined in the "background" section above.

Existing Development Controls:

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal does not conflict with the intent of the Official Plan.

City of Hamilton Official Plan - the subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept and are also within "SPECIAL POLICY AREA 11" on Schedule "B" - Special Policy Areas.

The proposal does not comply with the intent of the Official Plan. If the application were approved, an Official Plan Amendment would be required to redesignate the lands to "RESIDENTIAL" and to remove them from "SPECIAL POLICY AREA 11".

Neighbourhood Plan:

The subject lands are designated "INDUSTRIAL" in the approved Ainslie Wood Neighbourhood Plan. The proposal does not comply. Approval of the application would require amendments to redesignate the lands to "SINGLE AND DOUBLE RESIDENTIAL" (Block 1), "ATTACHED HOUSING" (Blocks 2 and 3), and "MEDIUM DENSITY APARTMENTS" (Blocks 4 and 5).

Zoning:

The changes noted on Appendix "A" are required to permit the proposed development as revised.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Comments From Circulation:

(1) Rezoning Application:

- The Building Department has advised that:
 - "1. The lands in a R-4 zoning district for single-family dwellings are subject to a plan of subdivision.
 2. The one and two-family dwellings are subject to the provisions of Section 9A of Zoning By-law 6593.
 3. All other proposed uses are subject to the provision of the applicable zoning districts and further comments shall be made when applications are submitted for Site Plan Control approval."
- The Traffic Department has advised that:

"We have no objection to the change in zoning but we do have a few concerns regarding the proposed site layout.

From the preliminary concept plan, it would appear that there are no loading zones supplied for either of the apartment building blocks. Loading zones and manoeuvring room must be supplied as set out by the By-law and some accommodation must be made for garbage pick-up.

With street townhousing on both sides of the street, it severely restricts the availability of on-street parking. The applicant may want to consider supplying a visitor parking facility somewhere.

There is a possibility of the drives overlapping in the two rounded corners which is unacceptable."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermain and combined sewers available to service these lands.

Any works which may occur within the local road allowances must conform to the City of Hamilton Streets By-law.

Any new access off Rifle Range Road must be approved by the City Traffic Department.

Any required daylight triangles will be determined by the City Traffic Department. Comments from the T.H. & B. Railway should be received."

- The Economic Development Department has advised that:

"Conversion of industrial property for residential uses depletes the availability of sites for potential business development. Previously, the Hamilton Business Land Use Advisory Board has commented upon this issue.

However, this Department has no objection to the re-zoning as we are unaware of any clients seeking this area for industrial use."

- The Hamilton-Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Ministry of the Environment has advised that:

"... We do not object to this zoning amendment provided that adequate consideration be given to the following items:

1. Directly east and west of the subject lands are properties zoned industrial. A conflict in land use may exist and the subject property may be exposed to elevated levels of noise, odour and dust.
2. Directly north of the property is a two track railway line currently having rail tank cars stored on it. It is recommended that a noise and vibration study be done to ensure no adverse effects would be experienced at the subject lands.

3. The subject lands are being rezoned from industrial use to residential use. Therefore, it will be necessary for the property to undergo a study of soil conditions to determine if any decommissioning is required as laid out in the Ministry of the Environment's Guidelines for Decommissioning."

With regard to comments on the revised application the Ministry of the Environment has no further comments than the ones made on May 11, 1990.

- CP Rail has advised that:

It is the opinion of the Railway Company that vacant land near our existing right-of-way should be reserved for industrial development. This is a type of use more compatible with our operations and prudent planning supports this preference.

Residential land is not compatible with railway operations. The health, safety and welfare of potential residents could be adversely affected by Railway activities. However, should the proposed development be approved, CP Rail requests the following conditions be imposed on the development.

1. Berm adjoining and parallel to the railway right-of-way:
 - a) minimum height of 2 metres and side slopes not steeper than 2.5 to 1.
2. A six-foot high chain link fence be constructed and maintained along the common property line of the Railway and Development by the developer, at his expense.
3. Setback of dwellings from the Railway right-of-way to be a minimum of 15 metres from the property line.
4. Dwellings must be constructed such that interior noise levels meet the criteria of the appropriate ministry (Ministry of the Environment).
5. Clauses to be registered on and run with the title of all properties within 300 metres of our right-of-way warning prospective purchasers of the Railway's presence and also that the Railway will not take responsibility for complaints as a result of noise, vibration, air quality, etc., generated by present and/or future operations.
6. Any proposed utilities under or over Railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

7. There shall be no increase or change in the direction of natural drainage affecting Railway property without first obtaining written consent from the railway."

- The Board of Education for the City of Hamilton has advised that:

"Secondary school students would attend Westdale Secondary School. Middle school students in Grades 6 to 8 would attend Dalewood School. We believe that approximately 60 students could come from the subdivision in Grades 6 to 8. A number this large would require a placement of up to 2 portables on the Dalewood School site. Students in Junior Kindergarten to Grade 5 would attend Prince Phillip School and because Prince Phillip is nearly at capacity it is quite possible that our Board would have to change junior school boundaries in West Hamilton and re-open Binkley School.

The Board does not have sufficient lead time to make the necessary arrangements once the subdivision plan has been approved and construction begins."

- The Hamilton-Wentworth Roman Catholic Separate School Board has advised through their solicitors Holden Day Wilson, that:

"The Board has made an application for approval to expropriate the lands which are the subject of the rezoning application, including the amendment, for the purposes of a secondary school site. Notice of the application for approval to expropriate was served upon the owners of the property. An inquiry into the taking will be held in the near future.

We submit therefore, that the rezoning application should not proceed"....

(2) Subdivision Application:

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Transportation
- Ministry of Natural Resources
- Ministry of Culture and Communications
- Ontario Hydro, Union Gas, Bell Telephone
- City of Hamilton Board of Education
- City of Hamilton Building Department (subject to approval of zoning)

The City of Hamilton Traffic Department has submitted the following comment:

"This site is presently being studied under amended ZA-90-40. While we have no

objection to the proposed change in zoning, we do have a number of concerns related to the preliminary concept plan. A copy of our letter outlining these concerns is attached".

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For Information:

- (1) That an existing municipal combined sewer is available on Rifle Range Road to service this proposed development.
- (2) That an existing municipal watermain is available on Rifle Range Road to service this proposed development.
- (3) Rifle Range Road has been established to its ultimate width, therefore, no road widenings are required for this development.
- (4) There will be no Regional share for services installed for this development.

Recommendations:

- (1) That the owner must enter into a Subdivision Agreement with the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (2) That a 0.30 metre reserve be established at the termination point of the proposed road.

The submitted plan, as prepared by A. J. Clarke and Associates Ltd., and dated November 12, 1990, is satisfactory to the Department of Engineering subject to the above noted comments and recommendations".

Holden-Day-Wilson, Barristers and Solicitors - on behalf of the Hamilton-Wentworth Roman Catholic Separate School Board, has submitted the following comments:

"We are solicitors for The Hamilton-Wentworth Roman Catholic Separate School Board (the "Board).

You have requested that our client consider the proposed plan of subdivision in view of its requirements.

The Board requires a new site for St. Mary's High School in the City of Hamilton. On December 18, 1990, the Board passed a resolution authorizing it to make application for approval of the expropriation of all of Lot 24, Registrar's Compiled Plan 1478, in the City of Hamilton. The Lands owned by Patran Holdings Limited,

which are the subject of the application for development are part of the lands which the Board intends to expropriate.

The Board, therefore, requests that the draft plan of subdivision not be approved".

CP Rail has submitted the following comments:

"We have reviewed the plan submitted with your letter of November 21,1990, concerning the above noted proposed development and wish to state our opposition to it.

Residential development is not compatible with railway operations. The health, safety and welfare of potential residents could be adversely affected by railway activities. However, should the proposed residential subdivision be approved, CP Rail requests the following conditions be imposed on the proposed development.

- (1) Berm adjoining and parallel to the railway right-of-way:
 - (a) minimum height of 2 metres and side slopes not steeper than 2.5 to 1.
- (2) A six-foot high chain link fence be constructed and maintained along the common property line of the Railway and Development by the developer, at his expense.
- (3) Setback of dwellings from the Railway right-of-way to be a minimum of 15 metres from the property line. Unoccupied buildings, such as garages, may be exempted.
- (4) Dwellings must be constructed such that interior noise levels meet the criteria of the appropriate Ministry (Ministry of the Environment).
- (5) There shall be no increase or change in direction of the flow of natural drainage without written permission from the Railway.
- (6) Closures to be registered on and run with the title of all properties within 300 metres of our right-of-way warning prospective purchasers of the Railway's presence and also that the Railway will not take responsibility for complaints as a result of noise, vibration, air quality, etc., generated by present and/or future operations.
- (7) Any proposed utilities under or over Railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

To ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, your assurance that the above conditions will be carried out would be appreciated".

The Hamilton Region Conservation Authority has submitted the following comments and recommendation:

"The planning staff of the Hamilton Region Conservation authority have completed their review of the above draft plan of subdivision and offer the following comments for your consideration.

We understand that this property will be redeveloped for residential purposes and that this development will involve the demolition of some existing industrial buildings.

The subject property presently drains into Cootes Paradise. Cootes Paradise has been identified as a Provincially Significant Wetland, Class I. It has been recognized as an important area for fish and wildlife, including several provincially significant and rare species.

Increases in the amount of sediment and storm water run-off entering the wetland will adversely impact this natural ecosystem. As such, we recommend that future development proposals incorporate mitigative measures which will reduce or eliminate off site impact to the natural environment.

Based on the above, Conservation Authority staff does not have any objection to the approval of this proposal. However, given the sensitive nature of this area, we request that the following conditions be incorporated for draft plan approval.

- (1) That proper sediment control measures be employed during construction and grading to prevent silt and sediment from entering existing storm sewers.
- (2) That the applicant prepare and implement a storm water management plan which conforms to the policies of the City of Hamilton".

The Ministry of the Environment has not replied to date.

Comments:

- (1) The proposal does not comply with the intent of the Official Plan. If the application were approved, an Official Plan Amendment would be required to redesignate the lands to "RESIDENTIAL" and to remove them from "SPECIAL POLICY AREA 11".
- (2) The proposal does not comply with the approved Ainslie Wood Neighbourhood Plan. Approval of the application would require amendments to redesignate the lands to "SINGLE AND DOUBLE RESIDENTIAL" (Block 1), "ATTACHED HOUSING" (Blocks 2 and 3), and "MEDIUM DENSITY APARTMENTS" (Blocks 4 and 5).

- (3) The proposal to provide for residential development of the subject lands has merit. However, the subdivision layout conflicts with general neighbourhood design criteria.

More specifically, higher density residential uses (e.g. apartments and townhouses) are usually located on the periphery of the neighbourhood adjacent to the arterial roadway system with lower density uses (e.g. single-family) on the interior.

Furthermore, the proposed density of development is considered to be too high given the character of established low density residential development to the south-east and south-west. In this regard, approval of the application, as submitted, would be out of character with the existing residential pattern in the surrounding area.

Accordingly, a more conventional neighbourhood design (see APPENDIX "D") was prepared and suggested to the applicant. This design provides for attached housing and street townhouses adjacent to the railway/industrial lands to the north, and the industrial lands along the west side of Rifle Range Road. The balance of the lands are set aside for single residential which is consistent with the established development pattern to the east, west and south; thereby providing for a logical extension of development. The effect of this redesign is to reduce the original proposed development (see APPENDIX "B") from 354 units to a total of 173 (i.e. approx. 1/2).

In addition, it should be noted that the redesign (see APPENDIX "D") incorporates the concerns of CP Rail respecting building setbacks (min. 15m), berming, etc. from the railway right-of-way. Furthermore, a walkway was included to provide for a pedestrian link between the subject lands and the established residential area to the east. However, the applicant has advised that the suggested redesign is unacceptable and they wish to proceed with the application as submitted.

On the basis of the foregoing, the application cannot be supported for the following reasons:

- it is contrary to general neighbourhood design criteria; is an over-intensification of land use; and, is incompatible and out of character with established low density residential development in the surrounding area.

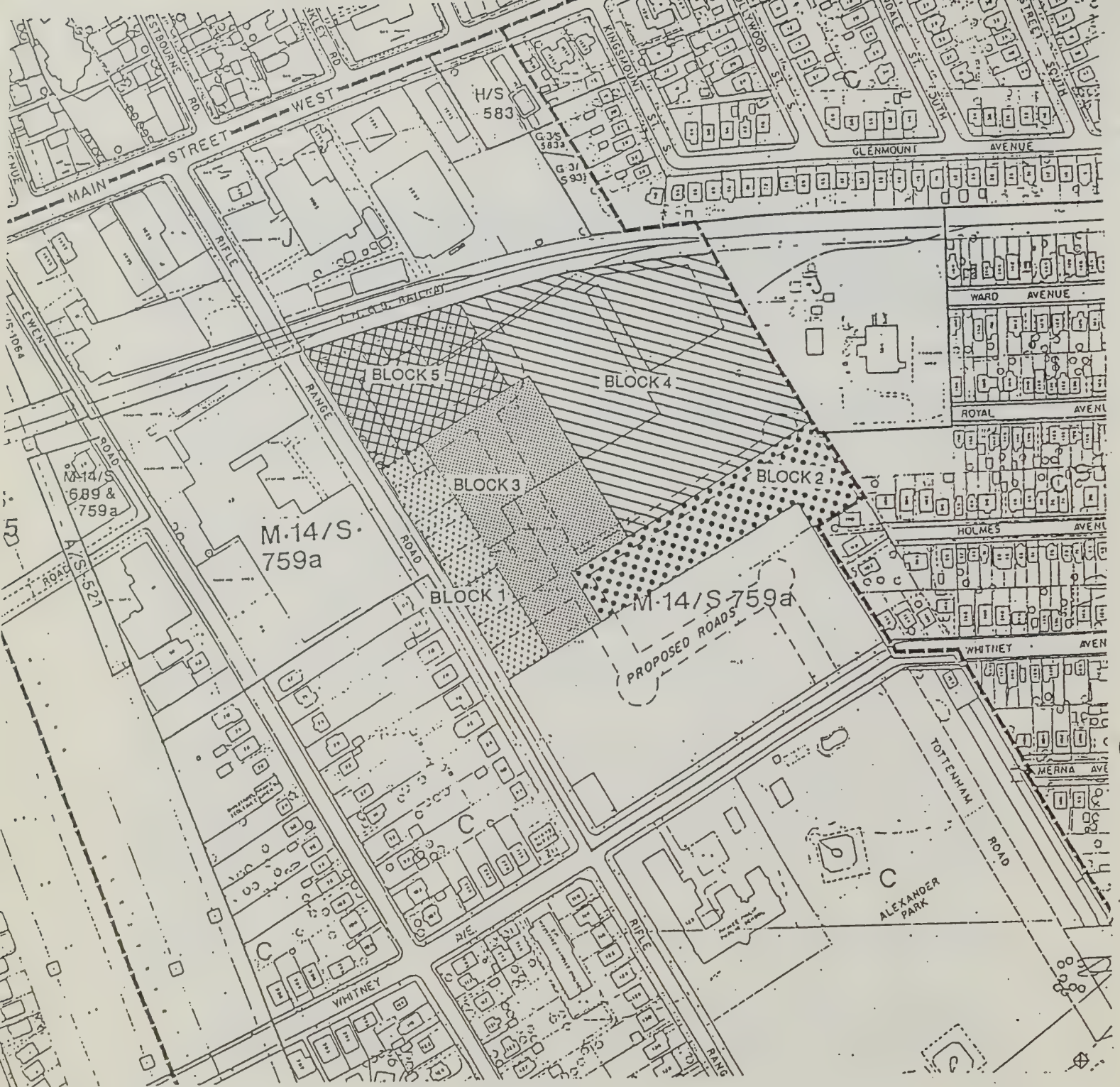
- (4) With regard to the comments submitted by the Ministry of Environment concerning the need for a noise and vibration study, and a soils study to determine if any decommissioning is required, the applicant has not yet provided the necessary studies. Should the Planning and Development Committee decide to approve the application, it is recommended that the plan be appropriately "red-lined" to reflect APPENDIX "D", and the amending by-law not be forwarded for passage by City Council until the studies are submitted and approved by the Ministry of the Environment. In this regard, any special requirements could be incorporated into the amending by-law and/or subdivision agreement. Similarly, the concerns of CP Rail could be accommodated.

- (5) With regard to the proposed draft plan of subdivision, and in view of all of the aforementioned comments, it is apparent that the plan or any plan of subdivision for residential development is premature for consideration at this time, and the application should be denied.

CONCLUSION:

It is recommended that the application be DENIED.

CMD/GAW/l1
Reports.
a:25T90024

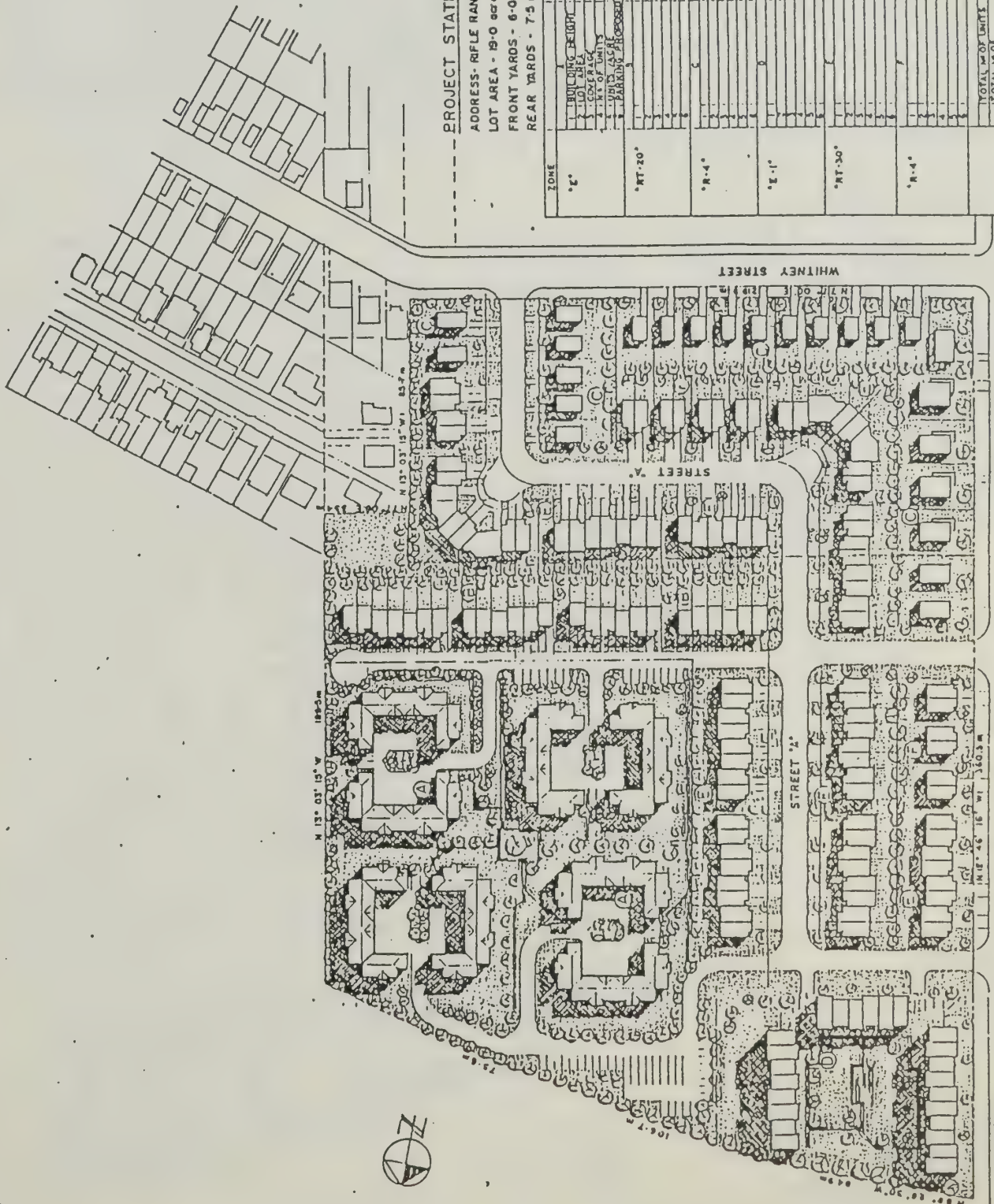


Legend

Proposed changes in zoning from "M-14" (Prestige Industrial) District, modified to:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "R-4" (Small Lot Single-Family Detached) District. |
| BLOCK 2 |  | "RT-20" (Townhouse-Maisonette) District. |
| BLOCK 3 |  | "RT-30" (Street-Townhouse) District. |
| BLOCK 4 |  | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District. |
| BLOCK 5 |  | "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District. |





PROJECT STATISTICS
 ADDRESS- RIFLE RANGE ROAD, HAMELTON, ONT
 LOT AREA - 19.0 acres (7.7 ha)
 FRONT YARDS - 6-0 m
 REAR YARDS - 7.5 m

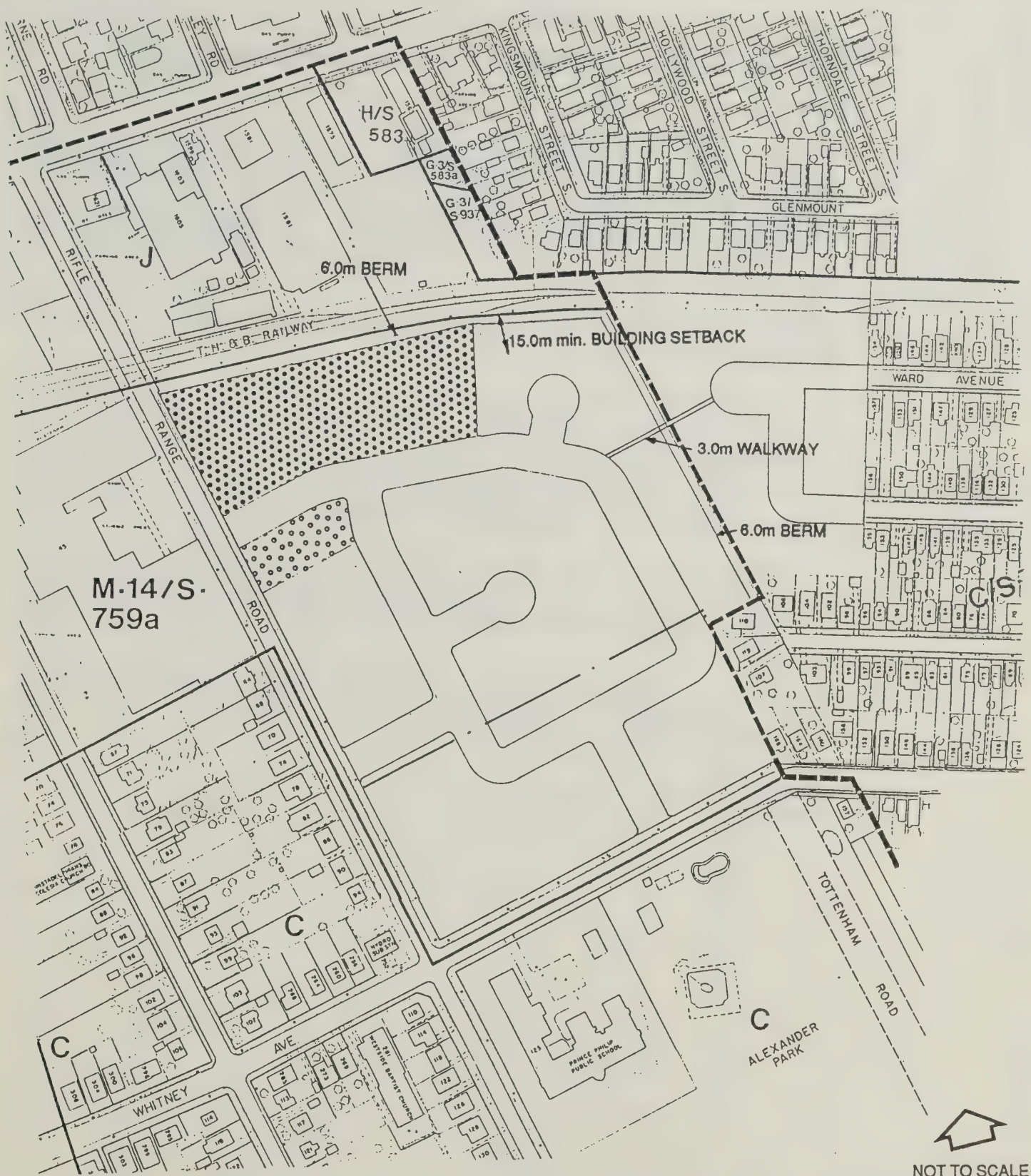
ZONE	RESIDENTIAL DPX BUILDINGS	RESIDENTIAL DPX BUILDINGS
"C"	1 BUILDING HEIGHT - 1 STORY	1 BUILDING HEIGHT - 1 STORY
	2 LOT AREA - 1.0 ACRES	2 LOT AREA - 1.0 ACRES
	3 COVERED - 10	3 COVERED - 10
	4 DRIVEWAYS - 10	4 DRIVEWAYS - 10
	5 PARKING SPACES - 10	5 PARKING SPACES - 10
"RT-20"	1 BUILDING HEIGHT - 2 STORY	1 BUILDING HEIGHT - 2 STORY
	2 LOT AREA - 1.0 ACRES	2 LOT AREA - 1.0 ACRES
	3 COVERED - 10	3 COVERED - 10
	4 DRIVEWAYS - 10	4 DRIVEWAYS - 10
	5 PARKING SPACES - 10	5 PARKING SPACES - 10
"R-4"	1 BUILDING HEIGHT - 1 STORY	1 BUILDING HEIGHT - 1 STORY
	2 LOT AREA - 1.0 ACRES	2 LOT AREA - 1.0 ACRES
	3 COVERED - 10	3 COVERED - 10
	4 DRIVEWAYS - 10	4 DRIVEWAYS - 10
	5 PARKING SPACES - 10	5 PARKING SPACES - 10
"E-1"	1 BUILDING HEIGHT - 1 STORY	1 BUILDING HEIGHT - 1 STORY
	2 LOT AREA - 1.0 ACRES	2 LOT AREA - 1.0 ACRES
	3 COVERED - 10	3 COVERED - 10
	4 DRIVEWAYS - 10	4 DRIVEWAYS - 10
	5 PARKING SPACES - 10	5 PARKING SPACES - 10
"RT-30"	1 BUILDING HEIGHT - 2 STORY	1 BUILDING HEIGHT - 2 STORY
	2 LOT AREA - 1.0 ACRES	2 LOT AREA - 1.0 ACRES
	3 COVERED - 10	3 COVERED - 10
	4 DRIVEWAYS - 10	4 DRIVEWAYS - 10
	5 PARKING SPACES - 10	5 PARKING SPACES - 10
"R-4"	1 BUILDING HEIGHT - 1 STORY	1 BUILDING HEIGHT - 1 STORY
	2 LOT AREA - 1.0 ACRES	2 LOT AREA - 1.0 ACRES
	3 COVERED - 10	3 COVERED - 10
	4 DRIVEWAYS - 10	4 DRIVEWAYS - 10
	5 PARKING SPACES - 10	5 PARKING SPACES - 10
	TOTAL NO. OF UNITS - 353	TOTAL NO. OF UNITS - 353
	TOTAL NO. OF PARKING SPACES - 481	TOTAL NO. OF PARKING SPACES - 481

THE
 ARCHPELAGO
 GROUP INC.

RIFLE RANGE ROAD
 DEVELOPMENT

SITE PLAN
 PROJECT STATISTICS

DP-1



NOT TO SCALE

LEGEND



STREET TOWNHOUSES



ATTACHED HOUSING



SINGLE & DOUBLE RESIDENTIAL

Planning Department
Proposal
Appendix "D"

January 8, 1991

a) Resolution RE: Expropriation of Rifle Range RoadMOTION:

WHEREAS THE HAMILTON-WENTWORTH ROMAN CATHOLIC SEPARATE SCHOOL BOARD (HEREIN CALLED THE "BOARD") REQUIRES A NEW SITE FOR ST. MARY'S HIGH SCHOOL IN THE CITY OF HAMILTON IN ORDER TO PROVIDE ACCOMMODATION FOR THE CHILDREN OF SUPPORTERS OF THE SCHOOLS UNDER THE CONTROL OF THE BOARD;

NOW THEREFORE BE IT RESOLVED THAT THE FOLLOWING LANDS ARE REQUIRED FOR A SCHOOL SITE:

FIRSTLY, LOT 24, REGISTRAR'S COMPILED PLAN 1478, CITY OF HAMILTON, REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH, SAVE AND EXCEPT THAT PART OF SAID LOT 24 DESIGNATED AS PART 1 ON PLAN 62R-8095 DEPOSITED IN THE REGISTRY OFFICE FOR THE REGISTRY DIVISION OF HAMILTON-WENTWORTH, AND

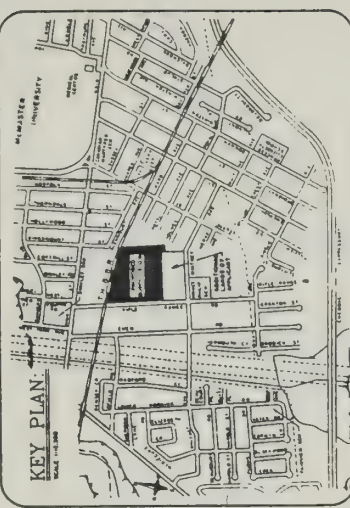
SECONDLY, THAT PART OF LOT 24, REGISTRAR'S COMPILED PLAN 1478, CITY OF HAMILTON, REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH DESIGNATED AS PART 1 ON PLAN 62R-8095,

AND BE IT RESOLVED THAT THE BOARD MAKE APPLICATION TO THE APPROVING AUTHORITY FOR APPROVAL OF THE EXPROPRIATION OF THE SAID SITE.

MOVER: Mrs. Cornale

SECONDER: Dr. Newberry

CARRIED



DRAFT PLAN OF :

GREENING ESTATES

BEING A PROPOSED SUBDIVISION OF
 PART OF LOT 24-
 REGISTRAR'S COMPILED PLAN No. 1478
 IN THE
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
 SCALE 1:750
 A. J. Clarke O.L.S. - 1980

NOTE: THIS IS A DRAFT PLAN AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: SECTION 50(4) THE PLANNING ACT 1983

A. SHOWN ON THE PLAN
 B. SHOWN ON THE PLAN
 C. SHOWN ON THE PLAN
 D. SHOWN ON THE PLAN
 E. SHOWN ON THE PLAN
 F. SHOWN ON THE PLAN
 G. SHOWN ON THE PLAN
 H. SHOWN ON THE PLAN
 I. SHOWN ON THE PLAN
 J. SHOWN ON THE PLAN
 K. SHOWN ON THE PLAN
 L. SHOWN ON THE PLAN

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: NOVEMBER 27th, 1980
 A. J. CLARKE
 ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:
 WE, PATRIM HOLDINGS LIMITED, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

DATE: NOVEMBER 27th, 1980
 A. J. CLARKE
 ONTARIO LAND SURVEYOR

LAND USE SCHEDULE:
 LOT 1 AND 2 - SMALL LOT SINGLE FAMILY RESIDENTIAL (ZONING) (OWNERS)
 BLOCK 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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April 26, 1991

Planning and Development Department
CITY HALL

Attn: Secretary
Planning and Development Committee

RECE

APR 3

CITY C

2.890-40
May 3 mtg.
10a.

Gentlemen:

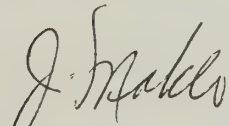
Due to obligations to my employer I cannot attend this meeting. You might have considered holding this meeting in the evening giving everyone an equal opportunity to attend.

I would like to go on the record stating that I am vehemently opposed to the building of "Cabbage Town" in the municipally known No. 45 Rifle Range Road. The current plan would be a definite detriment to the present home owners on Rifle Range Road who have struggled hard and long to keep their properties up. What you are proposing would devalue the properties. Who is taking responsibility for the devaluation??

We presently are up until 2:00 or 3:00 p.m. Thursday, Friday and Saturday to protect ourselves against vandalism due to the drunks from the Pipe Line, which you imposed on us with no warning. Now you want to impose "Cabbage Town" on us. The taxes keep going up every year and this area is getting worse by the day. If it isn't one thing its another going on with this piece of property year after year, and we are sick and tired of it.

I am in favor of St. Mary's High School or all single family dwellings, the same as those built on the other side of the street.

Would Patran Holdings Limited or the City Hall consider subsidizing me so I can move?


J. Maklo

cc: Mrs. M. Kiss



HILARY A. AMOLINS

Consultant to Employers on Workers' Compensation

10b.

April 4, 1991

Corporation of the City of Hamilton

attn: [REDACTED] PLANNING AND DEVELOPMENT COMMITTEE

re: By-law No. 86-247 and By-law 83-229 and "Greening Estates" proposal for the Ainslie Wood neighbourhood.

[REDACTED]

— Having grown up in the area affected by subject proposal, and since my parents still reside there, I am taking the liberty of articulating their concerns.

We are very concerned about subject by-laws respecting land in part of the Ainslie Wood neighbourhood located on the northerly part of the area south of Main Street West. We also have several concerns about the "Preliminary Planning Report" as written by Paletta International for their proposed residential development on this site.

Paragraph 2(a) and (b) of by-law no. 83-229 provide that side yards of the proposed development are to have a width of not less than 10% of the lot width and rear yards are to have depth of not less than 7.5 metres. You will note that the existing properties on Rifle Range Road have side yards far in excess of 10% of yard width, and depth of rear yards is again far in excess of 7.5 metres.

We do not read any minimum depth requirement for front yards in the proposed by-law. The only reference to front yards is a requirement under sec. 3(a) that "the landscaped area shall be provided and maintained in the entire required front yard." What is the depth of the required front yard?

We are most concerned that the proposed development will have houses grouped so close together, and with miniscule yards which will destroy the aesthetic mix of the present residential neighborhood. We ask that you review the proposed development to ensure that at least the lots which will front Rifle Range Road will have side and front yards comparable to the existing properties on the west side. Anything less would be out of synch with the neighbourhood.

The Paletta proposal calls for "low density form of development at the periphery of the project and gradually increasing densities toward the northern part of the site." We agree with this proposal and wish to ensure that properties south of no.64 Rifle Range Road will be limited

to single family dwellings with direct access to the exterior roadways.

The Paletta proposal does call for single family dwellings along Whitney Road and "for a portion of Rifle Range Road" with "direct access to the exterior roadways." We wish to ensure that the "portion" of Rifle Range Road referred to is in fact all lots south of number 64 Rifle Range Road. To provide for any greater density in this area of the subject property would ruin the sightlines we have enjoyed for more than 30 years.

We also have concerns about the proposed municipal road which the Paletta proposal provides will "access directly from the south eastern corner of the property at Whitney Road through to Rifle Range Road" or "if the southern lands are not developed for residential purposes, the municipal road will simply follow a 'U' shape pattern with two access points on Rifle Range Road." We trust you will examine the detailed plans to ensure that any access roads to Rifle Range Road will be north of no.64 Rifle Range Road and that all lands south of no.64 will be developed for either single family dwellings with lot sizes comparable to existing lots on the west side.

Please ensure that all area residents are kept informed as to future development meetings so that we can critically review the "Greening Estates" proposal and suggest ammendments prior to any finalization of approval.

Yours sincerely,

Hilary A. Amolins

cc: Art Amolins, 78 Rifle Range Road

Fothergill Planning & Development

RECEIVED

APR 19 1991

APR

10c.

CITY CLERKS

April 9, 1991

2A90-40

(May 8 meeting)

Fothergill Planning & Development
ATTENTION: Mr. E.J. Fothergill
1015-135 James Street South
Hamilton, Ontario
L8P 2Z6

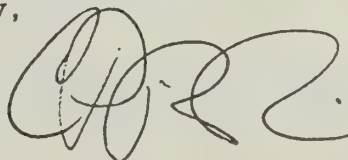
Dear Mr. Fothergill:

RE: GREENING ESTATES, PALETTA INTERNATIONAL

As residents of the neighbourhood, we are not opposed to the development of the site in question as residential housing provided the following concerns are addressed:

- 1) Recreation/open space. We feel that any new development should contribute to the recreational facilities in the surrounding area, in this case we suggest the 5% provincial designation be developed as a small "kiddie park" (swings, slide) or something similar. We feel that 1000 more residents in the area without any extra provisions for recreation/play would obviously increase the load on Alexandra Park, which is already well used. We feel strongly that the 5% of the development should be used in this neighbourhood.
- 2) Increased traffic. Since we live on Whitney Ave., we would be concerned about the increased traffic and presume adequate traffic control will be installed. A pedestrian crossing from the north to the south side of Whitney (overpass?) should be considered.
- 3) We would insist upon the plan as shown in the open house where
 - a) mixed/varied housing types are built
 - b) heights of housing kept as planned
 - c) heights are graded as planned (low on Whitney to higher units by the railroad tracks).

Sincerely,



Carl D. Richards

149 Whitney Ave, Hamilton, L8S 2G6

c.c. Hamilton Parks & Recreation Department
Hamilton Planning Department

11.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 April 29
ZA-90-88; Ryckmans Neighbourhood

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: Request for changes in zoning - Nos. 1425 and 1429
Upper James Street.

RECOMMENDATION:

That approval be given to amended Zoning Application 90-88, 775751 Ontario Inc. (Fausto Carnicelli), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "2" to permit development of Blocks "1" and "2" for a commercial plaza with the adjoining lands to the south and east, for property located at Nos. 1425 and 1429 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to Blocks "1" and "2", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of Blocks "1" and "2" until a site plan is approved incorporating these lands with the lands to the south and east.

Removal of the holding restriction shall be conditional upon the approval of a site plan incorporating Blocks "1" and "2" with the adjoining lands to the south and east.

- ii) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District;
- iii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District;
- iv) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

- a) That notwithstanding Section 14A(3)(a) of By-law No. 6593, a front yard of not less than 24.0 m shall be provided and maintained;
- b) That a landscaped area of not less than 3.0 m in width, excluding vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance;
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and the subject lands on Zoning District Maps E-9C and E-9D be notated S- ;
- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9C and E-9D for presentation to City Council; and,
- vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

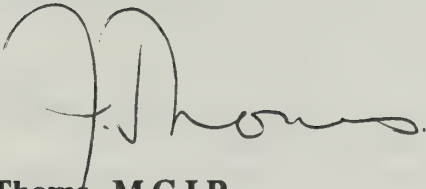
EXPLANATORY NOTE:

The amending By-law establishes the holding provisions of Section 35(1) of The Planning Act, R.S.O., by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Blocks "1" and "2" until a site plan is approved incorporating Blocks "1" and "2", as shown on the attached map, with the lands to the south and east. Removal of the holding restriction shall be conditional upon the approval of a site plan incorporating Blocks "1" and "2" with the lands to the south and east and the passage of an amending By-law to remove the 'H' symbol, and thereby giving effect to the "HH" District provisions.

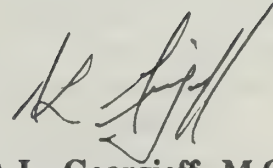
The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District modified for Block "1" and from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District modified for Block "2", for property located at Nos. 1425 and 1429 Upper James Street, as shown on the attached map.

The effect of the By-law is to permit future commercial development of the subject lands with the adjoining lands to the south and east. In addition, the By-law establishes the following variances as special requirements for Blocks "1" and "2":

- a minimum 24.0 m front yard setback whereas 12.0 m is required;
- a minimum 3.0 m landscaped area, excluding vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance whereas normally no landscaped area would be required.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is seeking to rezone the subject property from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "2" (see APPENDIX "A"), to permit development of the subject lands for a commercial plaza in conjunction with the adjoining lands to the south and east (see APPENDIX "B").

- Zoning Application 89-104 - No. 1441 Upper James Street

At its meeting of May 23, 1990, the Planning and Development Committee approved this application for an Official Plan Amendment, changes in zoning, and a plan of subdivision for this property (see APPENDIX "B"). The purpose of the application was to establish commercial zoning ("HH" District) on the front portion of these lands, to extend the depth of commercially designated land from approximately 400 feet to approximately 580 feet, and to establish residential zoning on the rear portion of these lands. City Council, at its meeting of May 29, 1990, adopted the recommendation of the Planning and Development Committee.

By-law No. 90-185, which adopts Official Plan Amendment No. 91 (to extend the depth of commercially designated land) was passed by City Council on June 26, 1990 and approved by the Regional Municipality of Hamilton-Wentworth on October 16, 1990. By-law No. 90-228, which implements the changes in zoning, was adopted by City Council on July 31, 1990 and came into effect on that day. The plan of subdivision, as shown on APPENDIX "B", has received draft approval.

- Design Guidelines for Upper James Street Corridor

The subject lands are within the Upper James Street Corridor and are subject to the

Urban Design Guidelines as set out in the approved Ryckmans Neighbourhood Plan. According to these guidelines the lands are designated to be "COMMERCIAL AND RETAIL WAREHOUSE", for which the following policies are applicable:

- a front yard of not less than 24.0 m; and,
- a landscaped area of not less than 3.0 m in width, excluding vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance.

APPLICANT:

775751 Ontario Inc. (John Paisley), prospective owner.

LOT SIZE AND AREA:

The subject lands have:

- 40.232 m (132 feet) of lot frontage on Upper James Street;
- 58.392 m (290 feet) of lot depth; and,
- 3,556.18 m² (38,280 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"HH" - "H" (Restricted Community Shopping and Commercial - Holding) District, modified
to the south and east	vacant	"HH" (Restricted Community Shopping and Commercial) District, modified
to the west	single-family dwelling	"C" (Urban Protected Residential, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. With regard to the application of the 'H' holding provision, the following policy should be noted:

- "D.3.3.3 Council, where deemed appropriate, will apply the holding provision of the ZONING BY-LAW, pursuant to The Planning Act, to specify the ultimate use of those lands which are contemplated for development or redevelopment at some time in the future. Thereby, Council will be able to preview proposals prior to development or redevelopment to ensure that it is compatible with surrounding land uses. The holding provision of the ZONING BY-LAW will be identified by the symbol 'H' in the ZONING BY-LAW and applied under one or more of the following circumstances:
- iv) Where an area must undergo further study, or where a detailed design plan is required, as designated in this Plan, or as will be determined by an Amendment to this Plan from time to time."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL AND RETAIL WAREHOUSE" on the approved Ryckmans Neighbourhood Plan. The proposal does not conflict with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED:

- The following agency has no comment or objection:
 - Hamilton Region Conservation Authority.
- The Building Department has advised that:
 - "1. A 24.0m front yard and a 3.0m wide landscaped area, along the lot line adjacent to Upper James Street, are the special requirements applicable to the lands to the north and south. Therefore, it is recommended that the same special requirement be applicable to the lands under this application.
 2. Demolition permits are required for the lands subject to the Planning and Development Committee approval under the Demolition Control By-law."
- The Traffic Department has advised that:

"We have reviewed the above-noted application and find the proposed zoning

satisfactory, subject to the approval of a site plan."

And further advised verbally that they have concerns regarding controlling the number of access points to Upper James Street and would prefer the amending By-law be held in abeyance until a site plan is approved for the assembled lands. However, they are willing to accept the holding zone on the subject lands until the site plan is approved.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper James Street is 36.58m. In accordance with this designation, as a condition of development approval, sufficient lands must be dedicated to the Region to establish the property line 18.29m from the centreline of the original Upper James Street road allowance.

Any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region's Road Use By-law."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Ryckmans Neighbourhood Plan.
3. The proposal to rezone Blocks "1" and "2" has merit and can be supported for the following reasons:
 - i) it provides for a comprehensive development of the subject lands with the adjoining lands to the south and east;
 - ii) it implements the intent of the Official Plan and the approved Ryckmans Neighbourhood Plan; and,
 - iii) the requested zoning is appropriate for the subject development.

However, the Traffic Department has expressed concerns regarding a comprehensive development of Blocks "1" and "2" with the adjoining lands to the south and east and restricting access to Upper James Street. While the development of Blocks "1" and "2" with the adjoining lands to the south and east is appropriate, the concerns of the Traffic Department preclude development until such time as a site plan is submitted for the comprehensive development of all the lands. In this regard, it would be appropriate that the lands be subject to Section 35(1) of The Planning Act, R.S.O., whereby Council may, in a By-law, use a holding symbol 'H' in

conjunction with any zoning district and specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law. The purpose of the 'H' holding symbol, as applied to Blocks "1" and "2", would be to require the approval of a site plan incorporating Blocks "1" and "2" with the adjoining lands to the south and east.

For the information of the Committee, the applicant has advised that it is his intention to develop the subject lands jointly with the lands to the south and east.

4. As the subject lands are within the area designated for the "Design Guidelines for the Upper James Street Corridor", it would be appropriate to include the following variances, as special requirements for Blocks "1" and "2", in the amending By-law:
 - a front yard of not less than 24.0 m; and,
 - a landscaped area of not less than 3.0 m in width, excluding vehicular access, be provided and maintained adjacent to the Upper James Street road allowance.

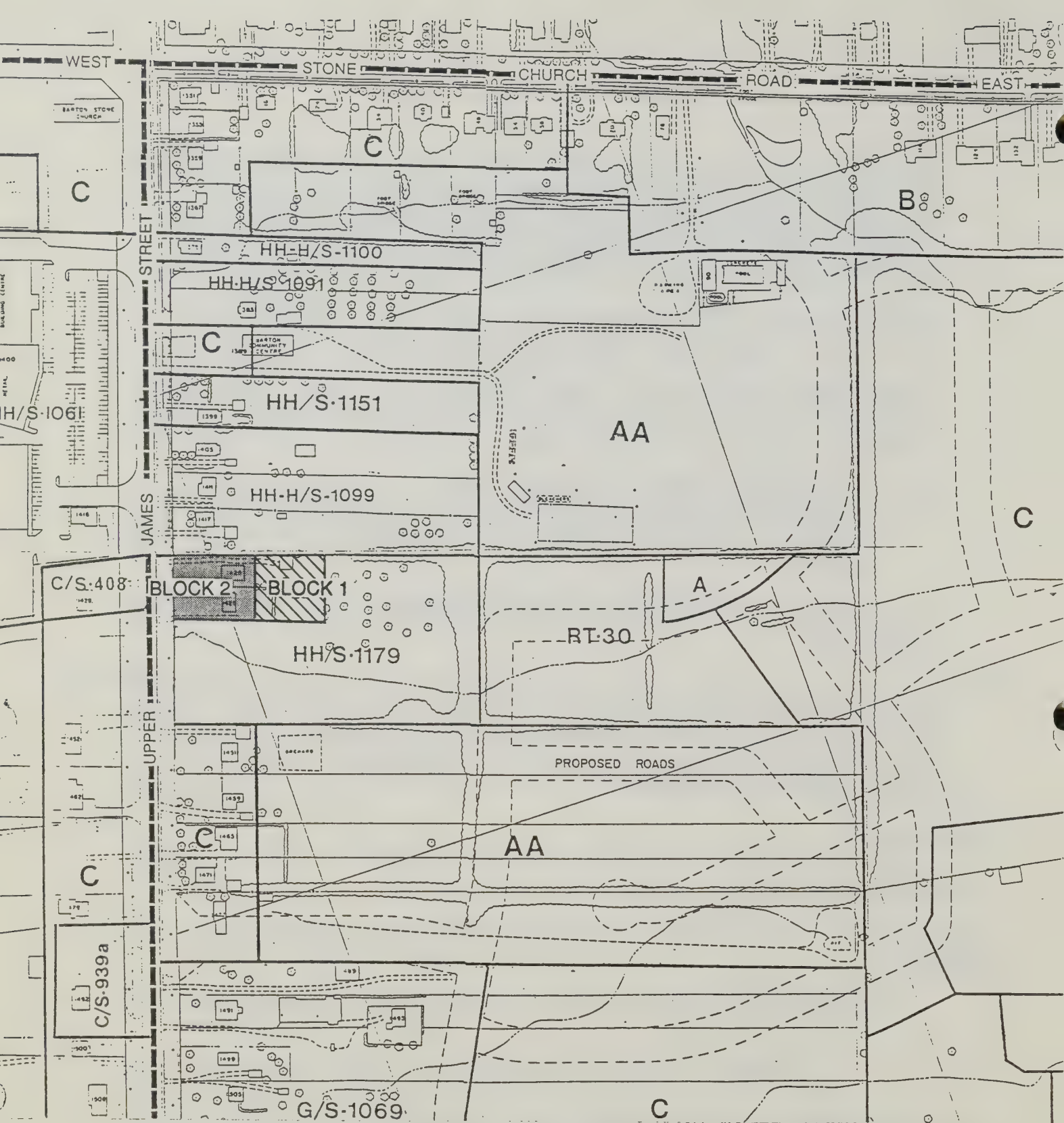
These requirements were also placed on the properties to the north and south of the subject lands.

5. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as road widening, parking, landscaping, fencing, and the implementation of the Design Guidelines for Upper James Street shall be addressed, for the assembled lands, through site plan approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

MLT:ma
WPZA9088



Legend

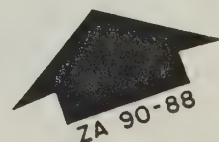
Proposed change in zoning from:

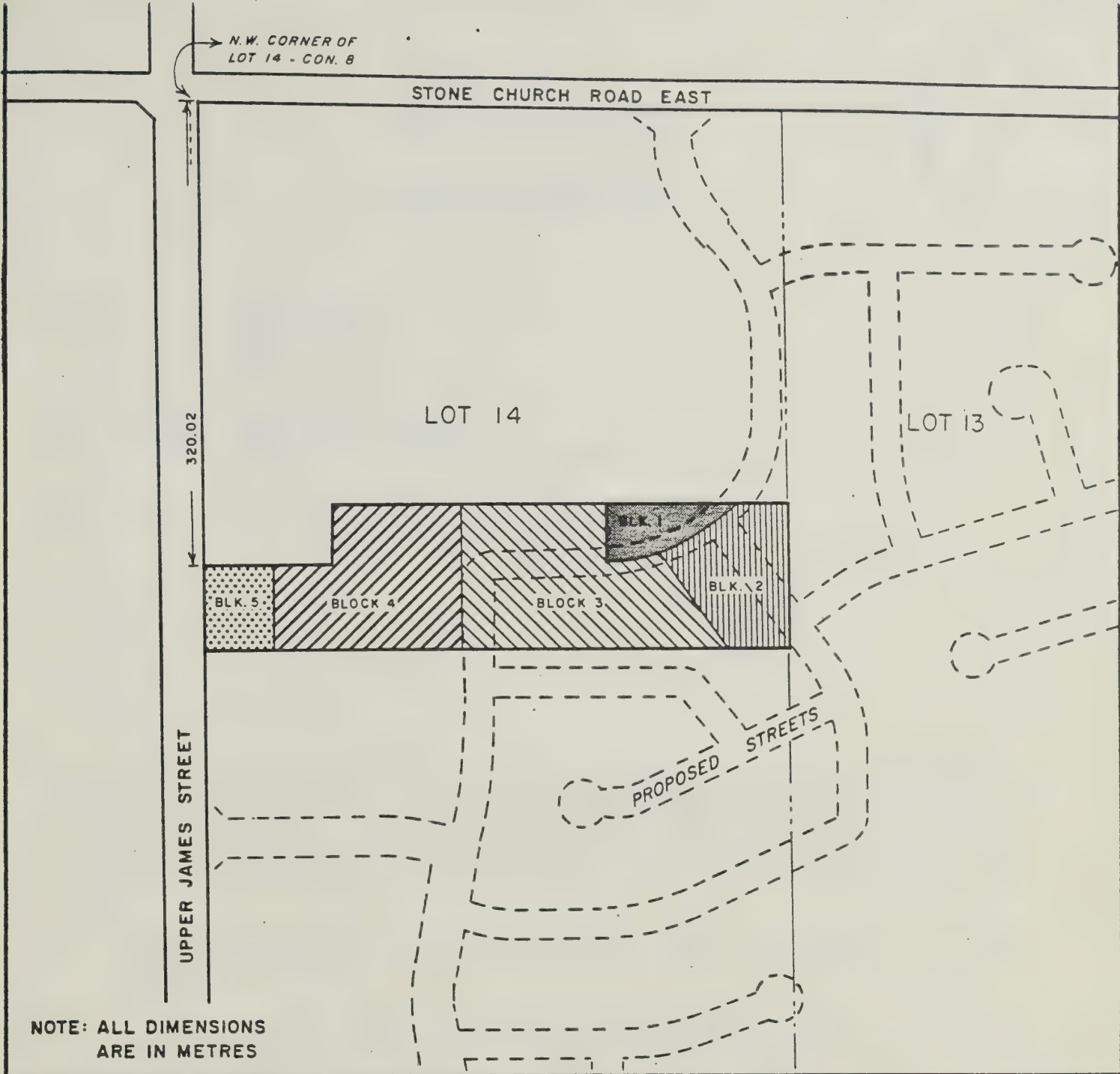


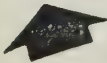
"AA" (Agricultural) District to "HH"-H" (Restricted Community Shopping and Commercial-Holding) District.



"C" (Urban Protected Residential, etc.) District to "HH"-H" (Restricted Community Shopping and Commercial-Holding) District.





North 	Scale NOT TO SCALE	Reference File No. ZA 89 - 104
	Date JUNE 1990	Drawing No. Z. K.

CITY OF HAMILTON


KEY MAP


TO BY-LAW NO. 90-228.


Regional Municipality of Hamilton-Wentworth
Planning and Development Department


Legend


CHANGES IN ZONING FROM:

BLOCK 1
 "AA" (AGRICULTURAL) DISTRICT TO "A" (CONSERVATION, OPEN SPACE, PARK AND RECREATION) DISTRICT.

BLOCK 2
 "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

BLOCK 3
 "AA" (AGRICULTURAL) DISTRICT TO "RT-30" (STREET - TOWNHOUSE) DISTRICT.

BLOCK 4
 "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

BLOCK 5
 "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

12.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 30, 1991
(ZA-91-12)
Inch Park Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:


Request for a modification in zoning - No. 66 East 14th Street.

RECOMMENDATION:

That Zoning Application 91-12 Domenic Golfi and Irene Golfi, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the established two - family dwelling, for property located at No. 66 East 14th Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) It represents an intrusion of a two-family dwelling into an area primarily occupied by single-family dwellings;
- ii) It conflicts with the intent of the conversion requirements of Section 19 of the Zoning By-law, in that:
 - a) the dwelling was erected after the 25th day of July 1940 (built in 1947) and, as such, is not eligible for conversion;
 - b) the lower unit (cellar) and a portion of the level of the upper unit are not considered lawful floor area for the purposes of living quarters as defined by the Zoning By-law.
- iii) Two on-site parking spaces are required whereas only one legal parking space is proposed;

- iv) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and change the character of the neighbourhood.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

This application was submitted to legalize the existing two-family dwelling. On the basis of information obtained from the Building Department this 1 1/2 storey brick dwelling was built during 1947 and would have insufficient floor area to permit conversion. Two parking spaces (stacked) are provided on the side driveway. The applicant has advised that the floor area of the lower unit (cellar) is approximately 60.3 m² (650 sq.ft.) and the upper unit has a floor area of 111.48 m² (1,200 sq.ft.).

- Request for information from the Building Department

On May 9, 1990 the solicitor for the applicant requested information on compliance with building and zoning by-laws and if there were outstanding work orders affecting this property (see APPENDIX "B").

On May 25, 1990 the Building Department advised the applicant's solicitor that:

"As of this date, the records of this Department indicate no outstanding work orders against these premises." (see APPENDIX "C").

- Order to Comply

On January 30, 1991, the Building Department issued an Order To Comply to the owners of the property. The order requires the owner to reduce the occupancy from the current two-family dwelling to a single-family dwelling or legalize the present use (see APPENDIX "D").

On February 25, 1991, the owners submitted this zoning application to legalize the existing two-family dwelling.

APPLICANT:

Domenic and Irene Golfi, owners.

LOT SIZE AND AREA:

- 15.24 m (50.0 ft.) of lot frontage on East 14th Street;
- 30.48 m (100.0 ft.) of lot depth; and,
- 464.5 m² (5,000.0 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	two-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
south, east		
and west		

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Inch Park Neighbourhood.

COMMENTS RECEIVED:

- The Building Department has advised that:

- "1. A two-family dwelling is not permitted.
2. The dwelling was built in 1947.
3. A cellar area or any other such space which cannot lawfully be used as living quarters shall not be included in the minimum floor area of 65.0 m² for each dwelling unit. Therefore the lower unit and a portion of the level of the upper unit cannot be considered as floor area.
4. A two-family dwelling requires two parking spaces. The parking area shall not be located in the required front yard and shall not be stacked.
5. This Department issued a Order to Comply to reduce the occupancy."

- The Traffic Department has advised that:

"A two-family dwelling requires two parking spaces as set out by the by-law. The applicant states that there is a two car drive. However, the plans show the drive to be only 15 feet wide and whereas it needs to be 18 feet wide in order to meet zoning by-law requirements. There is unrestricted on-street parking in the area so any parking spillover could be accommodated. We do not have any complaints in our files about parking problems on East 14th in this area.

We, therefore, have no objection to this application."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

Any works which may occur within the road allowance must conform to the City of Hamilton Streets By-law."

- The Hamilton Region Conservation Authority, and the Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

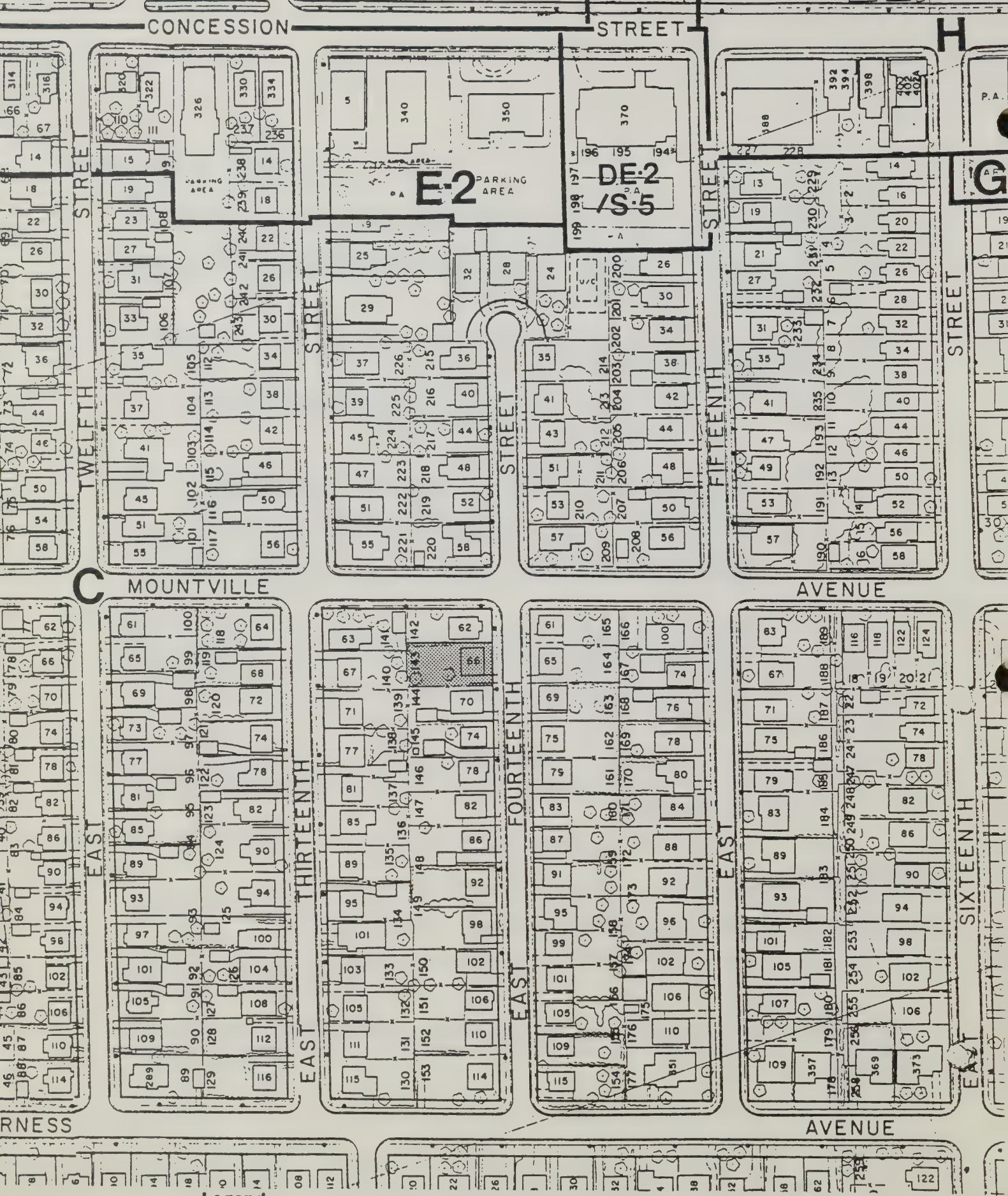
2. The proposal cannot be supported for the following reasons:

- i) it represents an intrusion of a two-family dwelling into an area occupied primarily by single family dwellings;
- ii) it conflicts with the conversion requirements of Section 19 of the Zoning By-law, in that:
 - a) the dwelling was erected after the 25th of July 1940 (built in 1947), and therefore it is not eligible for conversion;
 - b) the dwelling has insufficient floor area to satisfy the minimum floor area requirement of 65 m² (699.65 sq.ft.) for each dwelling unit. The applicant has included the cellar (approximately 60.3 m (650 sq.ft.)) as part of the floor area for one of the units. The Zoning By-law does not permit the area of the cellar to be calculated as part of the 65 m²;
 - c) adequate on-site parking is not provided as the two proposed parking spaces are stacked instead of being unobstructed and freely and readily accessible from within the lot, without moving any vehicles on the lot. In addition, one of the required parking spaces would be located within the required front yard;
- iii) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and change the character of the neighbourhood.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

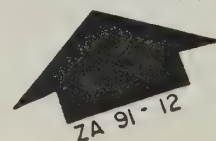
GAW/ma
WPZA9112



Legend



Site of the Application



ROSENBLOOD, RENAUD, SPITALE

Barristers and Solicitors

20 HUGHSON STREET SOUTH, SUITE 1008, HAMILTON, ONTARIO L8N 2A1 • (416) 523-1440
HAMILTON TELECOPIER • (416) 528-6520

BARRY P. ROSENBLOOD, B.Sc., LL.B., (1944-1983)

L. PAUL RENAUD, LL.B.

CONO SPITALE, M.A., LL.B.

CHARLES MACALUSO, B.Sc., LL.B.

May 9th, 1990

The Corporation of the
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Building Department

Dear Sirs:

Re: GOLFI purchase from Martin
Lots 142 and 143, Plan 515
66 East 14th Street, Hamilton

We act as solicitors for the purchaser herein.

Please advise whether the building located on this property complies with your relevant building and zoning by-laws and regulations. Also, please confirm there are no outstanding work orders affecting this property.

Enclosed please find your form, our cheque in the amount of \$50.00 to cover your fees herein and two copies of the survey.

We remain,

Yours truly,

ROSENBLOOD, RENAUD, SPITALE

Per:

Cono Spitale

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS

MAY 17 1990

REC'D BY *md* DATE *450*
REF'D BY..... DATE.....
REC'D BY..... DATE.....
REF'D BY..... DATE.....

CS:lg
Encls.

APPENDIX B



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

1990 May 25

Rosenblood, Renaud, Spitale
Barristers and Solicitors
1008-20 Hughson St. South
Hamilton, Ontario
L8N 2A1

Attention: Mr. Cono Spitale

Dear Sir:

RE: Golfi p/f Martin
66 East 14th Street

In reply to your letter of inquiry of May 9th, 1990, regarding the above-noted property, please be advised as follows:

As of this date, the records of this Department indicate **No Outstanding Work Orders** against these premises.

Please note, this report does not imply that a field inspection has been carried out regarding your inquiry.

Yours very truly,

A handwritten signature in dark ink, appearing to read "L. King".

FOR LEN C. KING, P. Eng.
Building Commissioner

RD/klk
Encl.

Receipt No. 977

NOTE: The aforementioned information pertains to Department of Building files ONLY. You may wish to contact The Hamilton Fire Prevention Bureau and/or The Hamilton-Wentworth Regional Health Unit for their requirements.



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Domenic Golfi	66 East 14th Street
Irene Golfi	HAMILTON, Ontario.
139 Burrwood Drive	
Hamilton, Ontario L9C 3T3	

TAKE NOTICE THAT THE building

AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

[illegible]

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION
ARE HEREBY ORDERED TO COMPLY FORTHWITH WITHIN ~~xxxxxxx~~ fourteen (14) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL RECEIVED BY	Jan. 30/91 DATE	John W. Lane 546-3905 SPECIAL INSPECTOR	Jan 30/91 DATE
PHONE DIRECT 546-2782 8 AM - 9 AM	FORM 45 SF BUSINESS FORMS		

FORM 484
BIR BUSINESS FORMS INC.

RECEIVED

APR 30 1991

CITY CLERKS

53 East 14th Street
Hamilton, Ontario L9A 4B3
April 18, 1991

2A91-12

Secretary
The Corporation of the City of Hamilton
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T1

Planning and Development Committee:

Re Proposed Modification Legalization of
Two-Family Dwelling at 66 East 14th Street

As indicated on the attached form my husband and I are opposed to the proposal to legalize this property into a two-family dwelling for the following reasons:

East 14th Street is one of the narrower streets in this area namely between East 11th and East 18th Streets. I'm concerned about the parking on the street with this additional family and visitors. Take a drive down the street and you'll see for yourself just how little space you have when you pass between parked cars on both sides of the street.

I have a young family and am concerned about the added hazard this could create. Children are horrendous for darting out between parked cars.

In my opinion, homes in this neighbourhood were not built for more than one family. If this house doesn't have proper exits my concern is a fire in the home.

It is known that homes which are rented have a more continual turnover of occupants and sometimes not the most desirable people. I hate to harbour the thought of being neighbours to bikers for example.

The value of neighbouring properties will be devalued. Often rented homes tend to be neglected. If these people are given the go ahead, it could snowball and others could apply for the same and we could find ourselves surrounded by two-family dwellings.

Yours truly

Andre & Jackie Beaudin
Andre & Jackie Beaudin

REC

APR

12b.

Robert C. Dickson Ph.D.,

111 Stone Church Road East
Hamilton, Ontario
L9B 1A8

CITY CLERKS

April 7, 1991

Planning and Development Department,
City of Hamilton

Re: Application for rezoning
Location: 1341 Upper James Street
File ZA-91-14

Dear Sirs:

A sign has been posted on the above property, indicating that application has been made to rezone the property from "C" to "HH". Proposed use is to locate a "gas bar" and "two retail/commercial buildings".

We wish to officially register opposition to the application, on a number of grounds. Among many are the following:

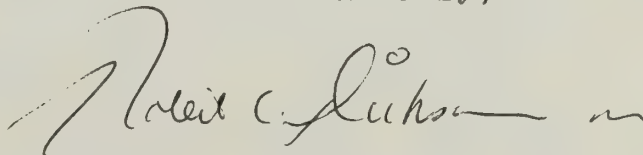
(a) Such rezoning and development would contribute to the appalling appearance of Upper James Street as a major entrance to the City of Hamilton.

(b) There is no need for additional "gas bars" on Upper James Street.

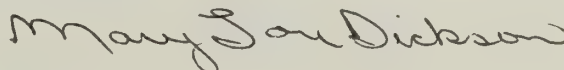
(c) Such rezoning would not conform to the Jerome neighbourhood plan - prepared with such care and detail by your department.

Please place our names on your mailing list and advise us of any amendments to the application or meetings at which it may be discussed or presented for approval.

Sincerely,



Robert C. Dickson Ph.D., M.D., C.C.F.P.



Mary Lou Dickson B.A.

cc. Mr. John Gallagher, Alderman

PLAN
 DATE
 APR 28 1991
 TO
 FROM
 BY
 CHECKED
 APPROVED
 FILED

101 East. 14 St.

Hamilton L 9A 4 B4
 Ont.

27th April 1991

12c.

To Planning Dept

PM/PM
 GW/ku

File - 91-12. SE of 0010
 (may 8 mtg.)

Corporation of the City of Hamilton
 71 Main St. W.

Hamilton L 8 W 3. V. 4
 Ontario

Dear Sir

I have to say I opposed to the proposed
 change of zoning.

The street is very narrow and there are a
 lot of young kids living on this short street
 there would be more cars to be park on
 this narrow street that would be very
 dangerous for these school kids.
 Secondly there are a lot of elderly

Home owners reside on this street R.T.O.

and. this Proposed change will drastically
affect their ~~fine~~ future life
I can not attend the meet for the 8th
I may for I have to be at work.

Sincerely,

Stanford Holmes

Olga Holmes



Mrs. J. MacAnanama
Chief Librarian

2nd floor

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

CA4 ON HBL AOS
CSIP4
URBAN/MUNICIPAL
1991

1991 May 16th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1991 May 22nd
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

MAY 28, 1991

GOVERNMENT DOCUMENTS

Susan K. Reeder

Susan K. Reeder
Secretary

AGENDA

1. Consent Agenda.

ALDERMAN T. JACKSON

2. Berrisfield Gardens Addition - Lot Grading.
 - (a) Background memorandum - Secretary, Planning and Development Committee
 - (b) Information Report - Commissioner of Transportation and Environmental Services - dated 1991 March 20th. (presented at the 1991 April 24th meeting)
 - (c) Information Report - Commissioner of Transportation and Environmental Services - dated 1991 May 13.

BUILDING COMMISSIONER

3. Physical Alterations - Building Department Reorganization of the Administration and Plan Examination Divisions.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1991 MAY 22nd

C O N S E N T A G E N D A

URBAN MUNIC. HL

MAY 28 1991

GOVERNMENT DOCUMENTS

MINUTES

- A. Minutes of the meetings of the Planning and Development Committee held Wednesday, 1991 March 20th (evening meeting and Wednesday, 1991 April 24th.

BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

- B. Demolition Permit Application - 464 Wentworth Street North.
C. City of Hamilton Heritage Programme Application - 35, 39, 41, 43 Duke Street.

COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

- D. Cash payment in lieu of 5% Parkland Dedication - "Paradise Gate Estates" and "Elia Heights - Phase One".

DIRECTOR OF PROPERTY

- E. Expropriation by the City - Part 1 on Expropriation Plan No. 79835 from Mr. Rupert Inniss.

DIRECTOR OF LOCAL PLANNING

- F. City of Hamilton Municipal Building Profile Database.

Wednesday, 1991 March 20
7:00 o'clock p.m.
Hamilton Convention Centre,
Chedoke Room "A"

An evening meeting of the Planning and Development Committee was held.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Alderman D. Wilson
Alderman M. Kiss
Alderman V. Formosi
Alderman D. Ross

A.

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman W. McCulloch - Civic Business
Alderman H. Merling - Vacation

Also present: Alderman D. Agostino
Alderman B. Hinkley
Alderman T. Jackson
Alderman G. Copps
Alderman T. Cooke
Alderman V. Agro
Mr. L. Sage, Chief Administrative Officer
Mr. J. Thoms, Commissioner of Planning and Development
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Ms. P. Sopp, Planning Department
Mr. D. Godley, Planning Department
Mr. B. Allick, Building Department
Mr. L. King, Building Commissioner
Mr. D. Peters, Assistant Chief Prevention Officer,
Fire Department
Mr. P. Hooker, Law Department
Mr. Donald Nijse, Ministry of Housing
Mr. R. Karl, Traffic Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Ford, Health Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. Kushing, Regional Assessment Department
Mrs. Susan K. Reeder, Secretary

The Chairman opened the meeting with comments on the intent of the Public Meeting which was to receive input on the Planning Department's recommendations, respecting the issue of Housing Intensification.

Mr. A. Georgieff, Director of Local Planning, outlined the history of the Housing Intensification Study and the process used in arriving at the recommendations.

Mr. B. Allick of the Building Department outlined the Enforcement Process in dealing with illegal conversions via complaints under the Zoning and Property Standards By-laws.

Mr. B. Janssen of the Planning Department provided an overview on the recommendations contained in the Housing Intensification Study Strategy.

The Committee was in receipt of submissions from the following:

- (a) R.J. Blair, 194 Maplewood Avenue
- (b) Mrs. Elena Lazar, 77 Barnesdale Boulevard.
- (c) Carol J. Barrett, Helen June Barrett, Beverley McAllister, 219 Maplewood Avenue.
- (d) Elizabeth & Harry Marshall, 210 Maplewood Avenue.
- (e) Jack Wilson, 216 Maplewood Avenue.
- (f) K. M. Speakman, 212 Maplewood Avenue.
- (g) E. Lazar, on behalf of Citizens for Citizens Committee Ward 3.

The Committee was also in receipt of an added submission from Carol J. Barrett, H. J. Barrett and Beverley McAllister of 219 Maplewood Avenue.

The Community Group, Citizens for Citizens, distributed information to people at the meeting as follows:

- (a) Notice of a Public Meeting of the Planning and Development Committee dated 1975, September 25, regarding proposed changes to zoning in the Stipley Neighbourhood Plan; and,
- (b) Remarks of Citizens for Citizens to the Planning and Development Department recommendations, dated 1991 January 29.

The meeting was then opened up for comments to be made by the Public and the following submissions were received:

Mr. David Beland, Citizens for Citizens, Ward 3, spoke to the Committee. He questioned the conversion based on owner occupancy and feels that this recommendation is unenforceable in accordance with the Law Department's caution and the Globe and Mail article on this type of Law not standing up under the Charter of Rights. He questioned why this recommendation was made when so many sectors recommend against it as being unenforceable. He also indicated that they are concerned at the stabilizing of the pre-1940 Housing Areas and disappointed that there are no recommendations to address this despite their request that this matter be considered.

Mrs. Michaelene Galan, 78 Gage Avenue South, referred to the hand-out given by Citizens for Citizens referring to the 1975 Notice of a Public Meeting of the Planning and Development Committee, regarding the Stipley Neighbourhood Plan which said in part "in order to protect the integrity of the basic residential character, this area should be rezoned to discourage further conversions and pre-empt the creation of boarding and lodging houses. Mrs. Galan indicated that this plan was never implemented and problems for this area have only gotten worse. She indicated that she disagrees with the statement that old dwelling use areas cannot expect the same enjoyment as new dwellings, and summed up by indicating that she is disappointed with the City's actions to-date on the Housing Intensification issue.

Mr. Bob Kronas, 208 Seamore Avenue, Ancaster, representing a Non-profit Housing Association, spoke and questioned lot size and indicated that he is disappointed that this issue was not addressed in the Study Strategy.

Mr. Hank Gaassenbeek, 19 Flatt Avenue, spoke respecting recommendation B.1, and is concerned with the owner occupancy recommendation which he feels is unenforceable. He stressed that such a recommendation would have serious repercussions for absentee Landlords who would be subject to blackmail by tenants if they did not live in the home, which would force them to sell the property at a loss of rental units to the Community and will also encourage illegal actions and a deterioration of the moral fabric of the Community because of this. He indicated that the City should recommend rental control initiatives.

Mr. Munro, 51 Fairholt Road South, indicated that he lives in Ward 3 and has seen the area eroding to duplexes and triplexes from single family area homes over the years. He indicated that the adverse affect of this has been that no parking has been provided for the extra units. He added that backyards could be used for parking instead of front yards since most of these homes have alleyways.

Mr. Michael Leng, 204 London Street South, spoke to the Committee with respect to a recent Ontario Municipal Board ruling of encouraging 25% affordable housing in a community. Mr. Hooker of the Law Department spoke to the Committee with respect to this recent Ontario Municipal Board judgement which dealt with a Burlington case on the Province's policy on affordable housing at 25% content. The ruling indicated that the Province's policy was acceptable but that exception was taken on how Burlington interpreted it. Mr. Leng commended the City for its initiatives in recently cleaning up many undesirable properties. Mr. Leng disagrees that homes should be protected for 20 years since that does not really reflect the changeover of families.

Ms. Marilyn Schneider, 41 Fairleigh Avenue North, spoke with respect to recommendation B.2, which is the 20 year recommendation for conversion of homes and feels that the age restriction should be removed to allow 1990 conversion of new homes, since such a restriction is unfair to the 1940 areas.

A tenant at the apartment building at 121 Park Street, spoke and commended the affordable housing attempts of the Study. She indicated that the realities of today are that fewer people can afford to buy a home. She indicated that conversions occur in the 1940 areas for reasons such as good bus routes, convenient shopping areas, etc. She added that conversion allows single people, i.e. widows, divorcees, etc. to maintain their homes. She also added that concerns are around property maintenance and apply to owners no matter where they live. She indicated that lack of affordable housing means that those with limited income are forced to live in substandard housing.

The resident of 50 Gladstone, spoke and indicated that he is a 2 year Hamilton resident and is opposed to the proposed strategies. He feels that the staff that made the recommendations do not understand the concerns of the affected housing areas and indicated that the lower City Wards have already shouldered enough. He also added that the strategies are ineffective and that the Staff have not listened to the input provided in previous Public meetings.

Mr. Duguay, 15 Elm Street, indicated that he lives on a dead-end street and that they have noticed many traffic accidents in the area recently due to parking on both sides of the street, backing up, elimination of on-street parking for front yard parking and no consideration has been given on rear yard parking possibilities. He indicated that he is opposed to the strategies and feels that they help the landlords to convert and do not assist the single family home owners. He added that his area is getting more congested with people all the time and illustrated by indicated that one house on the street now has 5 cars associated with it. He also added that due to front yard parking, the street has become a concrete jungle. He questioned whether the sewer infrastructure can handle the type of intensification that is occurring in the lower City and fears another North Vancouver situation.

Ms. Tew, 149 Whitney Avenue, feels that the study should have involved more input from the Province, the Federal Government and the Schools.

Mr. David Bowman, 91 Dundonald, spoke to the Committee with respect to his own particular housing difficulty.

Mr. DiLoreto, 48 Chestnut, expressed concerns with the social problems being created by intensification and that areas are becoming ghettos.

Mr. Saraphanian, 38 Fairleigh South, spoke to the Committee and questioned the Law Department's opinion on the owner/occupancy recommendation and why the Planning Staff did not heed the advice of the Law Department in not making this recommendation. He also questioned the 20 year conversion time frame and indicated the emphasis should be on new housing development and not conversions.

Ms. Ann Baxter, 157 Holton Avenue South, spoke to the Committee and expressed concern that the strategy proposals do not address the problems of over-intensification in the lower City, i.e. limits placed on the number of conversions in areas. She emphasized that there should be a mix of housing throughout the City. She also added that she does not like the term affordable housing but rather affordable living.

Ms. Randazzo, 105 Agusta Street, spoke to the Committee and indicated that most families today have 2 children rather than 6 or more as in the past. She added that elderly people in these large homes should be allowed to legally convert their homes, in order that they can remain in them. She added that she feels that the lower numbers at this particular public meeting as compared to the other public meetings reflects satisfaction of those who did not attend. She added that the emphasis should be on property maintenance and that there should be at least a minimum of 700 sq. ft. per unit.

A resident of Barnsdale Boulevard, spoke to the Committee with respect to the Building Code requirements and emphasized that the City By-laws to stabilize pre-1940 areas should be based on lot size and unit size.

Ms. Tillinger, 178 St. Clair Boulevard, criticized the size of the ad placed in the Spectator for this public meeting. She went on to indicated that many homes in the lower City area are for sale but few buyers are an indication of the problems that exists as a result of housing intensification. She asked why the strategies did not address the new homes that are being constructed. She indicated that people who wish to live in single family homes are forced to keep moving to new areas where restrictions of conversions do not apply. In reference to the recommendation, she quoted page 24 of the document and indicated that porches and verandas should not be allowed to be removed when parking on front yards are approved.

Mr. Boich, 244 London Street South, spoke to the Committee and expressed concerns at the erosion of neighbourhoods due to conversions. He indicated that he disagrees with the 20 year turnaround time, since families change before that. He also indicated that his own home is being effected by conversions and expressed frustration that staff have not listened to the input of public meetings and summarized by indicated that he hoped that the final decisions would protect Hamilton Citizens.

Mr. Stahmer, 22 Elm Street, spoke and requested that the City should pay moving costs if people are forced to move out of areas where conversions are occurring. He also indicated that he wants staff to identify where they live.

Mr. Peter Hill, 312 Bay Street South, spoke to the Committee and stressed that he perceives a lack of vision by the policy makers as they are not responsive to the people's vision. He clarified that the study is strategy proposed by staff and not policy, since policy is the prerequisite of the Council for approval which will occur following these meetings. He added that he feels that Planners often do not meet the vision of the people and the community. He urged that responsive policies be made on such matters as front yard parking. Mr. Hill further added that the lower City has more than its share of intensification and urges decisions to be made on community input.

A Ward 4 resident spoke and expressed anger that the addresses of the staff were not being revealed and challenged the Chair's decision to not reveal this information to the meeting.

Alderman Drury then took the Chair, as a result of the challenge and ruled to deny the request that staff identify their personal addresses.

A resident of the City spoke and questioned why the City staff had not solicited community people to work with them on the strategy recommendations. He expressed concerns at the number of increased driveways added onto front lawns for parking.

Sharon Lofrenia, Citizens Against Poverty, questioned the Affordable Housing aims and the long-term affordability for housing and the dilemma of where displaced people will go if conversions are disallowed.

Mr. Marvin Caplan, representative of the Social Planning and Research Council, spoke and indicated that the Council will be forwarding their written response to the Strategies at a later date and outlined several of the points contained therein.

Mr. B. Fuller, 28 Edgemont Street North, spoke and indicated that he is a 40 year resident. He added that he is proud to live in the lower City area and sited a recent cleanup of the pipeline area in this neighbourhood which has provided leisure space for the neighbours. He also indicated that he is concerned at the safety of the homes being converted and urged the Committee to listen to the public and make decisions accordingly.

Mr. B. Townes, a Downtown resident, questioned the Law Department on the legality of discriminating against home owners of pre-1940 homes which are allowed to convert and newer homes which are not.

A resident of Ontario Avenue, talked about the traffic influx and danger to children as a result of intensification. She indicated that she disagrees with the 20 year conversions rule and indicated that conversions would be desirable for new homes since they often have adequate parking established on the land. She also would like to see the Downtown beautified.

A resident of the Mountain, spoke to the Committee and indicated that she is what is known as a "absentee landlord". She indicated that this is her retirement savings and that she is responsible for fixing up damage caused by tenants. She expressed anger that the Province is unfairly discriminating against landlords and resents the infringements being placed on her private property rights. She sited Bill 4, which is presently being processed which prohibits Capital Cost expenditures being reflected in rents. She indicated that this will be creating more ghettos.

A resident spoke with some suggestions that parking permits could be used to solve some of the intensification problems.

Ms. Mary Tega, 123 Charles Street, expressed concerns that the conversions presently going on will create ghettos.

The Chairman of the Committee then closed the public meeting and thanked everyone for attending. He indicated that further submissions in writing should be forwarded to the City's Planning Department, no later than April 5.

Members of City Council who were in attendance then spoke to the public meeting and thanked everyone for their input and gave comments on the Strategy recommendations.

There being no further business, the public meeting then adjourned.

Taken as read and approved,

**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1991 March 20**

Wednesday, 1991 April 24
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice- Chairman
Alderman W. McCulloch
Alderman D. Ross
Alderman D. Wilson
Alderman M. Kiss
Alderman H. Merling
Alderman V. Formosi

Regrets: Mayor Robert M. Morrow - Civic Business

Also present: Alderman T. Cooke
Alderman T. Jackson
Alderman D. Agostino
Alderman J. Gallagher
Mr. D. Kelterborn, Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Mr. L. Lanza, Regional Planning Department
Mr. C. Unelli, Regional Engineering Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. M. Watson, Manager, Real Estate Division, Property Department
Mr. P. Hooker, Law Department
Mrs. N. Chapple, Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Karl, Traffic Department
Mr. J. McNeilly, Community Renewal Section, Public Works
Department
Mr. L. King, Building Commissioner
Ms. P. Noé Johnson, City Solicitor
Mr. G. Robis, Building Department
Ms. M. Tanner, Planning Department
Mr. D. Godley, Planning Department
Mrs. Susan K. Reeder Secretary

A. CONSENT AGENDA

**MINUTES OF THE MEETINGS OF THE PLANNING AND DEVELOPMENT
COMMITTEE**

The Committee was in receipt of the minutes of their meetings held Wednesday, 1991 March 20th and Wednesday, 1991 April 3rd and approved these minutes as presented.

B.-J. BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

The Committee was in receipt of recommendations from the Building Commissioner, respecting the above-noted Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

- (a) 101 Leland Avenue
- (b) 11 Rosewood Drive
- (c) 762 Ninth Avenue
- (d) 126 Young Street
- (e) 128 Young Street
- (f) 1606 Upper Gage Avenue
- (g) 1610 Upper Gage Avenue
- (h) 1614 Upper Gage Avenue
- (i) 1620 Upper Gage Avenue

K. MANAGER OF PURCHASING - Final Lot Grading and Sodding, various Subdivisions during 1991.

The Committee was in receipt of a report from the Manager of Purchasing dated 1991 April 17, respecting the above-noted matter and approved the following:

- (a) That a purchase order be issued to Brantford Landscaping and Sodding Ltd., Paris, being the lowest acceptable of fourteen (14) quotations received to provide Final Lot Grading and Sodding at various subdivisions as and when required during 1991, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, as follows:

Final Grading-Supply and place 100mm topsoil-remove debris
- \$2.50 sq.metre
Supply and Place sod including 100mm topsoil
- 5.10 sq. metre
Supply and Place 100mm top soil
- 2.15 sq. metre
Supply and Construct 150 x 150 Pressure Treated Retaining Walls
- 150.00 sq. metre
Supply and Construct Precast Retaining Walls
- 265.00 sq. metre
Supply and Construct Chainlink Fencing
- 33.00 sq. metre
Supply and Place Granular 'A'
- 9.85 tonne
Supervision
- 24.00 hour
Labour
- 22.00 hour
Equipment Operators
- 24.00 hour
Surveyors 3 Men Crew
- 210.00 hour
GST extra at 7%

- (b) That this expenditure be financed from the Subdivision Guarantee Deposits Account PR52 70090.

L. DIRECTOR OF LOCAL PLANNING - Proposal to remove part-lot control from Lots 1-19 inclusive, north of Independence Drive and fronting on to the extension of Rutledge Court; Templemead Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 18, respecting the above-noted matter and approved the following:

- (a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1 to 19, inclusive, Registered Plan No. 62M-681, located to the north of Independence Drive and front onto the extension of Rutledge Court in the Templemead Neighbourhood, City of Hamilton, for presentation to City Council.

That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth.

- (b) That the by-law not be forwarded to Council for approval until such time as all additional City and Regional requirements resulting from the additional lots have been satisfied, including required approvals of necessary changes to the Subdivision Agreements as outlined in the comments of the Department of Engineering.
- (c) That the Region be requested to approve the by-law removing part-lot control once passed by City Council.

REGULAR AGENDA

1. ALDERMAN M. KISS - Request for a Neighbourhood Plan Review - Kirkendall Neighbourhoods.

The Committee was in receipt of a memorandum from Alderman M. Kiss to the Director of Local Planning requesting that a Neighbourhood Plan Review be undertaken as soon as possible for the Kirkendall Neighbourhoods. Alderman Kiss spoke to this matter and her request on behalf of the area residents.

Dr. Wanda Crouse, Steering Committee, Kirkendall Neighbourhood Association, spoke to the Committee with respect to their recently formed Association and their request for a Neighbourhood Review. She indicated that they are in favour of a modified review as recommended by the Commissioner of Planning and Development in his report presented to the Committee dated 1991 April 18. She also indicated that they are in agreement that there is no need for interim control.

Mr. H. Turkstra and Mr. E. Fothergill, representatives of the developers of the Lapp properties were also in attendance and spoke to the Committee. They indicated that they agree that there is no need for interim control and they outlined the two year history of their proposed development for the Lapp lands. They also indicated that they agree with the modified review, but asked that it be completed in a shorter period of time, i.e. four months.

The Committee then spoke about this matter at some length and approved the following recommendation:

- (a) That the Planning and Development Committee direct staff to undertake a "Modified Neighbourhood Plan Review Process" for specific sites in the Chedoke, Kirkendall North Neighbourhoods which have redevelopment potential including the Lapp property, CP Rail lands, Camco and Mr. Grocer site, by establishing a working committee of approximately 12 people with representatives from the Neighbourhood, the Golf Club, the owners of the Lapp property, Mr. Grocer, and Camco, C.P. Rail, Board of Education, and assistance by staff from various Departments and agencies (Traffic, Engineering, and Niagara Escarpment Commission, etc.), to deal with various issues as they relate to land use, traffic, school capacity as a result of the potential redevelopment;

- (b) That a complete neighbourhood review for the Kirkendall North and South and Chedoke Neighbourhoods be included for consideration in the 1992 Work Programme.

2. **ALDERMAN T. JACKSON - Berrisfield Gardens Addition.**

The Committee was in receipt of a memorandum from Alderman T. Jackson to the Secretary of the Planning and Development Committee dated 1991 March 15, requesting that a dispute between the developers and the Regional Engineering Department on Berrisfield Gardens Addition be placed before the Committee for resolve.

The Committee was also in receipt of a report from the Commissioner of Transportation and Environmental Services dated 1991 March 20, outlining the background information on this matter.

Mr. Faiella and Mr. Jugovic of A. & B. Construction were in attendance and outlined the history of this matter.

Some debate ensued on whether the Planning and Development Committee has the power to forgive outstanding funds for lot grading work above an amount quoted.

The Committee then approved the following:

That the Agenda matter pertaining to Berrisfield Gardens Addition, Lot Grading, be tabled for the purpose of further investigation to determine if an adjustment can be made in the disputed dollar figure for the completion of the lot grading to the satisfaction of the original grading plan and that a report back on this matter be presented by the City Solicitor.

3. **ALDERMAN D. DRURY - Committee of Adjustment.**

The Committee was in receipt of a memorandum from Alderman D. Drury dated 1991 April 8, respecting Committee of Adjustment and possible changes which could be made to its structure. Alderman Drury spoke to his proposed changes and general discussion then ensued on this matter.

It was agreed by the Committee to receive this correspondence and take no action.

4. **ALDERMAN W. McCULLOCH - The Custom House.**

Alderman McCulloch spoke to the Committee with respect to the Custom House and directed that the Secretary distribute background information which had previously been provided for members of the Committee, respecting loan and/or grant programme matters with respect to the Custom House.

Following considerable discussion on this matter the Committee approved the following:

That a loan amount of \$9,500.00 be approved for Mr. Don Warrener for the property at 51 Stuart Street (The Custom House) subject to the following:

- (a) That the loan be derived from the Claims Account #24130 and be in accordance with the same terms and conditions that would apply to the Provincially funded Community Heritage Trust Fund Loan Programme.
- (b) That the loan be secured on title by a mortgage, and

- (c) That the loan be subject to the Property Department satisfying itself, via a review of the Appraisal conducted by Patricia Budd Appraisals Inc. on 1991 February and/or a second "in house" appraisal, that there is enough residual value on The Custom House property, after registered mortgages, to protect the outstanding value of the loan.

Note: Alderman Kiss opposed.

5. **BUILDING COMMISSIONER - Demolition Permit Application - 24 Victoria Avenue North.**

The Committee was in receipt of a report from the Building Commissioner dated 1991 April 15, respecting the above-noted matter.

The Committee was also in receipt of a report from the Chairman of the L.A.C.A.C. Research Sub-Committee dated 1991 April 17, respecting this matter.

The Committee then approved the following:

- (a) That the Building Commissioner be authorized to issue a demolition permit for 24 Victoria Avenue North, but;
- (b) That no demolition permit be issued for 24 Victoria Avenue North until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with Section 33(6) of The Planning Act.

6. **COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES - Lot Grading - Novoco Gardens.**

The Committee was in receipt of a report from the Commissioner of Transportation/Environmental Services dated 1991 April 15, respecting the above-noted matter.

The Committee approved the following:

- (a) That the City engage the services of Urbex Engineering Ltd., to provide engineering, specifications and inspection for the construction of a retaining wall on Lots 43 and 44 in Novoco Gardens and to complete the remainder of the lot grading study for Novoco Gardens on a cost plus basis estimated to be \$16,000.00 and the City Treasurer be authorized and directed to issue a purchase order to Urbex Engineering Ltd.; and,
- (b) That the Commissioner of Transportation/Environmental Services be authorized and directed to undertake remedial grading immediately for Lots 25, 26, 28 and 39 to 44 inclusive in Novoco Gardens and for whichever lots are identified through the engineering study for Novoco Gardens to be undertaken in Item (a). The said works are to be undertaken through the annual grading contract up to a value of \$70,000.00 with all costs to be recovered from the subdivider. Interim financing shall be charged to Account No. PR-53-70090.
- (c) That the Law Department be directed to take such steps as are necessary to recover the cost from the subdivider, including calling upon securities held by the City.

Note: All cost incurred with respect to construction of retaining walls and grading will be charged to the subdivider and recovered through securities held by the City, if necessary.

7. DIRECTOR OF LOCAL PLANNING - Site Plan Control Application DA-90-103, by A.R.P. Construction Ltd. (Peter Bonitatibus, owner) - 780 Upper Paradise Road; Gurnett Neighbourhood.

Alderman Ross declared a conflict of interest in this matter as he may act as the agent for the property and thus declined from participating from any discussion on this matter.

The Committee approved the following:

That approval be given to Site Plan Control Application DA-90-103 by ARP Construction Ltd. c/o (Peter Bonitatibus), owner, of lands known as 780 Upper Paradise Road for a (6) unit condominium apartment building subject to the following:

- (a) modification to the plan in relation to notes and dimensions as marked in red on the plan;
- (b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and,
- (c) submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

ZONING APPLICATIONS

8. Zoning Application 91-07, 603997 Ontario Limited (T. Dussan), owners, for a change in zoning from "AA" to "C" for property at 763 Stone Church Road West; Falkirk West Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 11, respecting the above-noted matter and approved the following:

That approval be given to Zoning Application 91-07, 603997 Ontario Ltd., (Tony Dussin), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for single-family dwellings, for property at 763 Stone Church Road West, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property at 763 Stone Church Road West.

The effect of the By-law is to divide the subject property to create a building lot for a single-family detached dwelling. The existing dwelling will be moved onto the new lot to the west.

9. Zoning Application 91-04, Houston Homes Limited, owner, for a change in zoning from "C" to "RT-20" for property at 1515 and 1523 Upper Gage Avenue; Templemead Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 15, respecting the above-noted matter and approved the following:

That approval be given to amended Zoning Application 91-04, Houston Homes Ltd., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "1" and a modification to the established "RT-20" (Townhouse - Maisonette) District for Block "2", to permit development of 18 condominium townhouse units, for property located at 1515 and 1523 Upper Gage Avenue, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District;
- (b) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special provision:
 - (i) That Section 10E(1)(a)3. shall not apply;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1227, and the subject lands on Zoning District Map E-49D be notated S-1227;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the approved Templemead Neighbourhood Plan be amended by redesignating Block "1" from "Single and Double Residential" to "Attached Housing".

Note: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "1" and a modification to the established "RT-20" (Townhouse - Maisonette) District for Block "2", for property located at 1515 and 1523 Upper Gage Avenue.

The effect of the By-law is to permit development of the subject lands for an eighteen unit condominium townhouse complex.

ADDED - REZONING OF WILLIAM CONNELL PARK

The Committee was in receipt of an added report from the Acting Secretary of the Parks and Recreation Committee dated 1991 April 23, respecting the above-noted matter.

Considerable discussion ensued on this report and the Committee approved the following:

That the Planning and Development Committee be requested to initiate a rezoning of the site at William Connell Park in order to accommodate a Double 'A' baseball facility.

10. **Zoning Application 88-129, T. Valeri Construction Limited, owner, for a change in zoning from "E-2" modified to "G-1" for lands located at the south-east corner of Stone Church Road East and Upper Wentworth Street; Butler Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 9, respecting the above-noted matter.

Report of the circularization was given as follows:

379 notices sent 16 in favour 32 opposed

Mr. Valeri, applicant, spoke to the Committee and requested approval of his application.

Ms. Lee Curtis, 122 Charing Drive, spoke with respect to this application and referred to the letter she sent in. She expressed concern at the traffic density at the corner and that the area is over congested now.

Mr. Len Perrera, 477 Acadia, spoke in support of the application but requested that the proposed plaza be 1 level only.

Mr. Peter Edmondson, 238 Stone Church Road East, and owner of properties at 1361 and 1375 Upper Wentworth Street, spoke in opposition to the application. He indicated that his properties are adjacent to the applicant's property and have been in his family for over 60 years. He questioned whether the zoning application sign was posted properly and indicated that the map was incorrect. Staff indicated to the Committee that this sign had been corrected and reposted in 1991 February.

Mr. Stevoh, 391 Stone Church Road East, Unit 62, spoke in opposition and indicated that when they purchased their unit they were told that the land would be used for single family homes and they are distressed by the proposed change. He added that the area is already congested with malls and they had thought that the Mountain area would be mainly residential.

Mr. Valeri then responded to the concerns of the Neighbourhood.

Considerable discussion ensued on this matter and the Committee approved the following:

That Zoning Application 88-129, be tabled for a six month time frame in order to determine the road requirements for the area and allow the Ward Aldermen to have a meeting with the residents to determine what they would like to see in the area.

11. Zoning Application 90-85, S. and J. Wood, owners for a modification to the established "D" District regulations for property at 585 Cannon Street East; Gibson Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 15, respecting the above-noted matter.

The Committee was also in receipt of a submission signed "innominate resident" - no address given and a submission from Alice M. Johnston, owner of property at 44 Chestnut Street.

Report of the circularization was given as follows:

355 notices sent 6 in favour 8 opposed

Representatives of the applicant were in attendance and spoke to the Committee. They disagreed that parking is an issue since the proposal reduces the occupancies to 4 from 5. They also disagreed that this application is precedent setting.

Mr. Sabatino, 48 Chestnut Avenue, spoke in strong opposition to the proposal and indicated that the site is very run down and garbage is left on the steps.

The representative for the applicants responded and indicated that arrangements will be made for adequate garbage disposal to be placed. He also added that the property is maintained weekly.

The Committee then approved the following denial recommendation:

That amended Zoning Application 90-85, Stephen Wood and John Wood, owners, requesting a modification to the established "D" (Urban Protected Residential, etc. -One and Two Family Dwellings, Townhouses, etc.) District regulations, to legalize the conversion of the existing building from the legal non-conforming three dwelling units and beauty salon to four dwelling units, for property located at 585 Cannon Street East, as shown on the attached map marked as Appendix "C", be denied for the following reasons:

- (a) It conflicts with the intent of the Official Plan and the approved Gibson Neighbourhood Plan;
- (b) It is an overintensification of land use in that adequate parking cannot be provided. In this regard, the Traffic Department has advised that there are existing parking problems in the area and they are unable to support the proposal; and,
- (c) Approval of the application would encourage other similar applications which, if approved, would change the character of the area and undermine the established neighbourhood.

12. Amended Zoning Application 90-32, Jerome Calzonetti, owner, for a change in zoning from "AA" to "RT-20", "C" to "RT-20" and "C" to "HH" modified for properties at 837, 845 and 867 Rymal Road East; Eleanor Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 18, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission from Roman Lewczuk, dated 1991 April 10.

Mr. Calzonetti, owner for the property, spoke to the Committee and indicated that they are in disagreement with the staff recommendation.

Mr. Roman Lewczuk, 508 Eaglewood Drive, spoke with respect to his letter of submission and indicated he would like to see more commercial on the site.

Mr. Harnden, 1610 Upper Gage Street, spoke and questioned the proposed use of Block 4 and the proposed landscape strip.

Mr. Silvestri, abutting owner, spoke and asked if there would be any compensation for the disposition of the walkway to the developers who put the walkway in, in accordance with the City requirements. Staff advised that this matter will be forwarded to the Transport and Environment Committee for disposition.

Considerable discussion ensued on this application and the Committee approved the following:

That approval be given to amended Zoning Application 90-32, Jerome Calzonetti, owner, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"), from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified (Block "3"), and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "4"), to permit townhouse development on Blocks "1" and "2", commercial uses including an automobile service station, a variety store, a bank, a barber shop, hairdressing establishment or beauty parlour, a collecting or distributing station for a laundry or dry cleaner, and a restaurant (donut shop, deli, sub shop) on Block "3", and single-family dwellings on Block "4", for property located at 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
- (c) That the lands described as Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- (d) That the lands described as Block "4" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (e) That the "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593 applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:
 - (i) That Section 10E(2)(a)3 shall not apply;
 - (ii) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1", the westerly boundary of Block "2", and that portion of the northerly boundary of Block "2" adjoining the "C" (Urban Protected Residential, etc.) District;

- (iii) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1", the westerly boundary of Block "2", and that portion of the northerly boundary of Block "2" adjoining the "C" (Urban Protected Residential, etc.) District.
 - (f) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14A(1) of By-law No. 6593 only the following commercial uses shall be permitted:
 - (1.) an automobile service station;
 - (2.) a *variety store*;
 - (3.) a bank;
 - (4.) a barber shop, hairdressing establishment or beauty parlour;
 - (5.) a collecting or distributing station for a laundry or dry cleaner;
 - (6.) a restaurant; and,
 - (7.) signs in accordance with Section 14A of By-law No. 6593.
 - (ii) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly and westerly lot lines;
 - (iii) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.
 - (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1226, and that the subject lands on Zoning District Maps E-38D & E-38E be notated S-1226;
 - (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38D & E-38E for presentation to City Council;
 - (i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;
 - (j) That the following changes be made to the approved Eleanor Neighbourhood Plan:
 - (i) Block "2" - redesignation of the lands from "Commercial and Apartments" to "Attached Housing";
 - (ii) Block "3" - redesignation of the lands from "Commercial and Apartments" to "Commercial".
- That the 10' walkway between Eaglewood Drive and Rymal Road East be closed.
- (k) That the Transport and Environment Committee be requested to consider the closure and disposal of the walkway lands.

Note: The purpose of the By-law is to provide for changes in zoning for lands at 829, 837, 845 and 867 Rymal Road East.

- (a) Block "1" - From: "AA" (Agricultural) District
To: "RT-20" (Townhouse-Maisonette) District
- (b) Block "2" - From: "C" (Urban Protected Residential, etc.) District
To: "RT-20" (Townhouse-Maisonette) District
- (c) Block "3" - From: "C" (Urban Protected Residential, etc.) District
To: "HH" (Restricted Community Shopping and Commercial, etc.) District modified
- (d) Block "4" - From: "AA" (Agricultural) District
To: "C" (Urban Protected Residential, etc.) District

The effect of the By-law is to permit future townhouse development on Blocks "1" and "2", single-family dwellings on Block "4" and only the following commercial uses on Block "3":

- (a) an automobile service station;
- (b) a variety store;
- (c) a bank;
- (d) a barber shop, hairdressing establishment or beauty parlour;
- (e) a collecting or distributing station for a laundry or dry cleaner;
- (f) a restaurant; and,
- (g) business identification signs in accordance with Section 14A of By-law No. 6593.

In addition, the By-law provides for the following variances as special requirements:

- (a) To prohibit street townhouse development on Blocks "1" and "2";
- (b) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1", the westerly boundary of Block "2", and that portion of the northerly boundary of Block "2" adjoining the "C" (Urban Protected Residential, etc.) District;
- (c) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1", the westerly boundary of Block "2" and that portion of the northerly boundary of Block "2" adjoining the "C" (Urban Protected Residential, etc.) District;
- (d) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the northerly and westerly lot lines of Block "3";
- (e) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines of Block "3".

**ADDED - CLARIFICATION AND FILE STATUS - Zoning Application 90-84 - 623
Upper James Street**

The Director of Local Planning spoke to the Committee with respect to a policy decision on the status of a file as mentioned above and the difference of opinion on this issue.

Following deliberation by the Committee, it was agreed that this file should be recognized as a closed file in accordance with the applicant's written Fax memo to withdraw the application and effectively close it, and that as a result of this occurrence that further deliberation on this matter would require a new application and a further fee to be paid.

Thus in connection with the applicant's request to deviate from this matter and process the application without payment of additional fees, the Committee took no action with respect to this request.

**ADDED - REQUEST TO THE MINISTRY OF HOUSING FOR ADDITIONAL
PROVINCIAL FUNDING FOR A NON-PROFIT HOUSING BUILDING**

Alderman Ross spoke to the Committee with respect to his concerns that a non-profit housing project presently being constructed by the Sons of Italy on Limeridge Road West is being constructed with a block facade due to limited funding. The Alderman expressed concerns that the abutting properties are constructed with a brick facade and that the block facing of the new project will sharply contrast with the streetscape.

Accordingly, the Committee approved the following:

"That the Chairman write to the Minister of Housing requesting that they provide additional funds for the non-profit housing project presently being constructed by the Sons of Italy on Limeridge Road West in order to afford a brick facade, rather than a block facade, to be placed on the building conducive to the existing streetscape".

Secretary's note: Following the meeting Alderman Ross reconsidered and requested that this matter be placed as an added resolution before Council, in order that this letter be written by the Mayor to the Minister of Housing.

ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1991 April 24**

CITY OF HAMILTON
- RECOMMENDATION -

B.

DATE: May 2, 1991

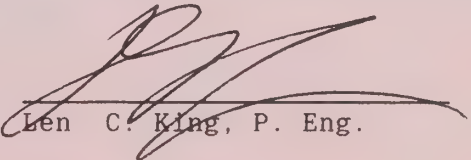
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
464 WENTWORTH STREET NORTH - Tag Number 83084

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 464 WENTWORTH STREET NORTH.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "J/S-647 and J/S-647b" (Light and Limited Heavy Industrial, etc.) Modified

PRESENT USE: Vacant Three Family Dwelling

PROPOSED USE: Parking for adjacent automobile repair garage located at 472 Wentworth Street North

BRIEF DESCRIPTION: 2½ storey brick dwelling in a poor neglected condition which is vacant and boarded up. It is the intention of the owner to demolish the three family dwelling which has been vacant of all tenants since September 1989 and propose parking for the existing commercial automobile repair garage located at 472 Wentworth Street North. Lot Size 28.46' x 132.00'

The owner of the property as per the demolition permit application is:

John H. Mills
99 Ashley Street
Hamilton, Ontario
L8L 7W2
Telephone Number: 523-5133

c.c. 91.2.4.2.1.A

FOR ACTION

REPORT TO:

Mrs. S. Reeder, Secretary
Planning & Development Committee

DATE: 1991 May 15

FROM:

Mr. L. King, P. Eng.
Commissioner
Department of Buildings

DEPT FILE: HERITAGE 80

SUBJECT:

City of Hamilton Heritage Programme -
35, 39, 41, 43 Duke Street

RECOMMENDATION:

That a Designated Property Grant in the amount of six thousand, two hundred and twenty five dollars (\$6,225.) be provided for Wentworth Condominium Corporation, 35, 39, 41, 43 Duke Street, Hamilton.

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 35, 39, 41, 43 Duke Street have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Larry Spree's estimates.

A Designated Property Grant in the amount of \$6,225. The Condominium Corporation is, as per the terms of the Programme matching the grant with a cash payment to the contractor of \$6,225.

c.c. R. Camani, Treasury Department

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 May 14
S716-34
S705-19

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee


FROM: L. D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

SUBJECT:

"Paradise Gate Estates", Hamilton
"Elia Heights - Phase One", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

- a) That the City of Hamilton accept the sum of \$118,800.00 as cash payment in lieu of the 5% dedication in connection with "Paradise Gate Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act; and,
- b) That the City of Hamilton accept the sum of \$9,450.00 cash payment in lieu of the 5% dedication in connection with "Elia Heights - Phase One", Hamilton, this being the cash requirement under Section 50 of the Planning Act.


for L.D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

Cont'd

-Page 2-
May 14, 1991

"Paradise Gate Estates", Hamilton
"Elia Heights - Phase One", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

Cont'd

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

"Paradise Gate Estates", Hamilton

The owner for the above referenced subdivision (Gino Filice) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the proposed Final Survey Plan is attached for your information.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated at \$118,800.00.

Note:

The lands of "Paradise Gate Estates" are located east of Upper Paradise Road and north of Rymal Road in the Falkirk East neighbourhood, Hamilton.

Under the subdivision agreement, the City of Hamilton is also "entitled to pursuant to Section 41 of the Planning Act 1983 to require a further cash payment", in lieu of lands, prior to the issuance of building permits based on the market value assessed on the lots.

"Elia Heights - Phase One", Hamilton

The owner of the above referenced subdivision (Nick Elia) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the proposed Final Plan is attached for your information.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated at \$9,450.00.

Note:

The lands of "Elia Heights - Phase One" are located at the south west corner of Eleanor Avenue and Stone Church Road East in the Eleanor neighbourhood, Hamilton.

-Page 3-
May 14, 1991

"Paradise Gate Estates", Hamilton
"Elia Heights - Phase One", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

Cont'd

Under the subdivision agreement, the City of Hamilton is also "entitled to pursuant to Section 41 of the Planning Act 1983 to require a further cash payment", in lieu of lands, prior to the issuance of building permits based on the market value assessed on the lots.

MJI/PS:ja
Attach.

cc: D. Cobb, City Treasury Department

E.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 May 14

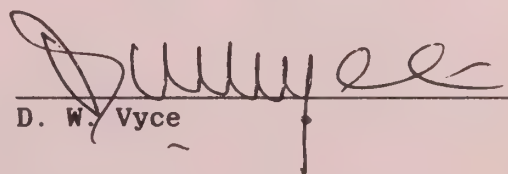
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Expropriation by the City
Part 1 on Expropriation Plan
No. 79835 from Mr. Rupert Inniss

RECOMMENDATION:

- a) That the City accept an "Agreement by Owner to Accept Compensation" for the property of Rupert Inniss, executed on May 7, 1991 and scheduled for closing on September 30, 1991. The subject property has a frontage of 11.46 metres (37.6 feet), more or less, on the east side of Birch Avenue and a frontage of 17.7 metres (58.1 feet) on the south side of Gerrard Street, by a depth of 22.27 metres (73.06 feet), more or less, together with all structures erected thereon being Municipal Number 358 Birch Avenue.
- b) The compensation of \$67,500.00 is to be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program). Demolition is to take place upon closing.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

The subject property is located within the Alpha West Residential Enclave. The expropriation of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north-east part of the City.

14 May 1991
Planning and Development Committee
Page 2

The expropriation of the subject property was registered on title April 9, 1991 as Instrument No. 79835, pursuant to Council's authorization on November 8, 1988, Item 4 of the 22nd Report of the Planning and Development Committee.

Attach.

c.c. - Mrs. P. Noé Johnson, City Solicitor
 Attention: Ms. L. Lawrence
 - Mr. E. C. Matthews, Treasurer
 - Ms. L. MacNeil, Property Clerk, Surveys
 - Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division
 - Mr. L. King, Building Commissioner

(4505)



<table border="1"> <tr> <td></td> <td></td> <td>81</td> </tr> <tr> <td>69</td> <td>70</td> <td>71</td> </tr> <tr> <td>95</td> <td>48</td> <td>128</td> </tr> </table>			81	69	70	71	95	48	128	<p>CITY OF HAMILTON INDUSTRIAL SECTOR 'B' AND KEITH ZONING</p>	
		81									
69	70	71									
95	48	128									
<p>This is not a Legal Document For Zoning Verification Please Contact City Building Department.</p>											
<p>----- Neighbourhood Boundary ----- Zoning Boundary.</p>	<p>0 100m SCALE 50m</p> <p>NORTH</p>	<p>PAGE NO 70</p>									
<p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton Wentworth</p>		<p>PLANNING UNIT NO 6202 6212</p> <p>JUNE 1988</p>									

F.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: May 14, 1991
P5-4-2-3

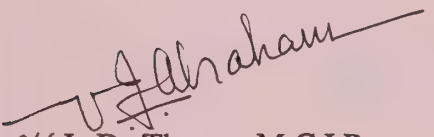
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

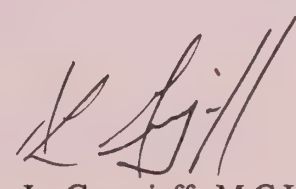
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City of Hamilton Municipal Building Profile Database

RECOMMENDATION:

That the Ontario Ministry of Housing be notified that the City of Hamilton, Municipal Building Profile Database has been completed and be requested to forward the outstanding \$2,000 of the \$20,000 Municipal Building Profile Grant.


per J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A. The study was funded by the Ministry of Housing.

BACKGROUND:

In June, 1989, the City received a grant to undertake the Building Profile. A balance of \$2,000 remains outstanding and can be forwarded upon Council notification that the Profile is complete.

The Building Profile is a computerized database containing facts about all types of housing in the City of Hamilton and its planning neighbourhoods, divisions and other sections of the City. It is based on assessment information and housing sales data produced by the Ontario Ministry of Revenue.

To date, the information obtained from the Building Profile has been used in the City's Housing Statement Update and the Residential Intensification Study. Various cross-tabulations, graphical output and computer-generated maps have and can be produced in response to inquiries from the public and private sectors (see attached example). This information is an important component in overall housing policy development because it allows much greater analytical capabilities.

The System will be updated every three years after the municipal enumeration takes place. Therefore, the next update of the system is expected to take place early in 1992, once the assessment data become available.

Highlights

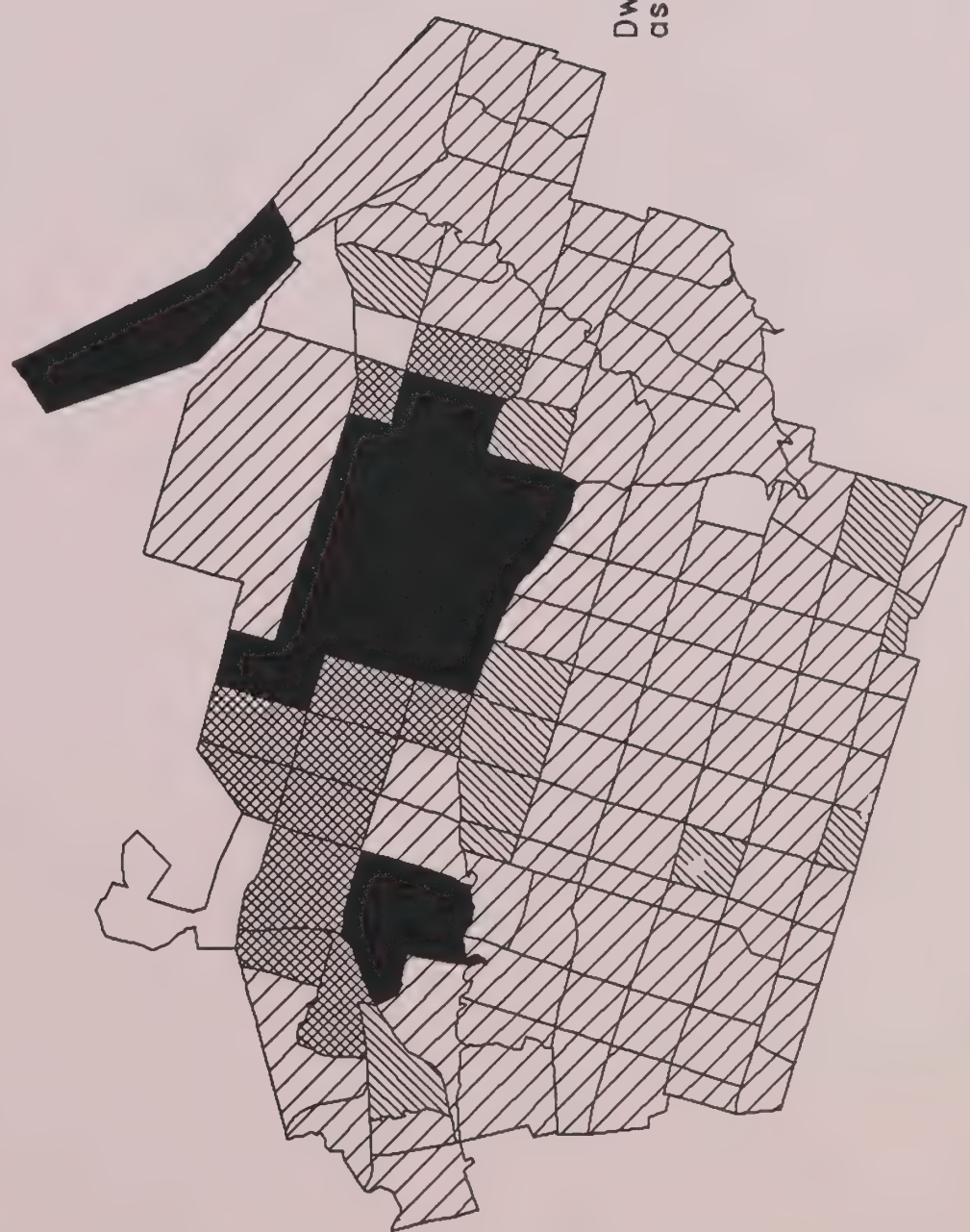
Some of the information highlights from the Building Profile are as follows:

- The City of Hamilton has the most diverse housing mix in the Hamilton-Wentworth Region, with 52% single detached units, 29% apartment units, 6% row units, 5% plex units, 5% semi detached units, and 3% of the units in other dwelling types.
- 54% of all occupied dwelling units in the City are owned and the remaining 46% are rented. Ownership is the most common form of tenure on the Mountain and rental housing is the most common form of tenure in the Lower City. 68% of all occupied dwelling units on the Mountain are owned and 53% of all occupied residential units in Lower Hamilton are rented.
- A significant proportion of the City's housing stock is composed of older housing. 53% of the City's dwelling stock was constructed prior to 1960.
- Hamilton Mountain has experienced the majority (83%) of recent dwelling unit completions in the City of Hamilton between 1981 and 1988. New residential units have been added to the Lower City primarily through intensification, redevelopment, and infill development.
- Until 1980, there was a trend towards the production of smaller homes (less than 1,201 square feet) in the City of Hamilton. However, recent construction trends show that almost half of all home completions between 1981 and 1988 were larger dwellings (greater than 1,800 square feet), despite the trend towards the formation of smaller households.
- 61% of the City's population is housed in single detached units, 19% in apartment units, 8% in row units, 6% in semi detached units, 4% in plex units, and the remaining 3% are accommodated in other dwelling types.

- The average household size in the City of Hamilton is 2.5 persons per household. Smaller households are more common in Lower Hamilton. The average household size for the Lower City is 2.3 person per household compared to 2.8 persons per household for Hamilton Mountain.
- The median purchase price of housing in the City has escalated from \$69,000 in 1986 to \$110,000 in 1988, representing an increase of almost 60%.

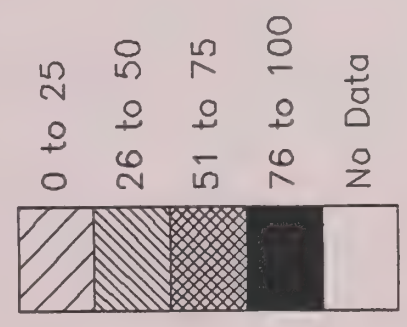
M.D.:ns
A:\NEIGHGEN

DISTRIBUTION OF HOUSING CONSTRUCTED IN HAMILTON PRIOR TO 1941



LEGEND:

Dwelling units built prior to 1941
as a percent of all units



DIRECTOR OF PUBLIC WORKS

4. Commercial Improvement Programme - widening of sidewalks on John Street South.
5. Business Improvement Areas - Commercial Improvement Programme, 1991 Submission.
6. Hamilton Street Railway Proposal for locating transit shelters in the Downtown Hamilton Area.

CITY SOLICITOR

7. Disposition of Fines - Municipal prosecutions.

COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

8. Land Severance Application, H-90-90 to H-96-90 (Inclusive) Hamilton - 225 Acadia Drive, 11, 15, 19, 23, 27, 31, 35, 47, 51 and 55 Beaverton Drive.

REFERRAL FROM CITY COUNCIL

9. Rezoning - Mohawk Sports Park/Bernie Arbour Stadium.

DIRECTOR OF LOCAL PLANNING

10. Request to amend and register Site Plan Control Application DA-89-13, Lillian Heights Inc., owner, 14 Derby Street, Broughton East Neighbourhood.
11. Request for comments - Niagara Escarpment Plan Five Year Review.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

12. Via Rail Service.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

13. Zoning Application 89-103, Steinnagel Construction Limited, owner, for a change in zoning from "AA" to "C" for lands on the north side of Brenda Street in the area east of Eleanor Avenue; Eleanor Neighbourhood.
14. Zoning Application 91-05, L. Hochglaube and E. Bogomolny, owners, for a further modification to the "C" District regulations for property at 44 Greendale Drive; Gilkson Neighbourhood.

(a) Submission - Mr. & Mrs. Reid, 7 Elsa Court.

15. Zoning Application 89-22 and 89-23, G. Fortino, U. Spagnuolo, S. Filice, M. and O. Presta, F. Carobelli, A. and L. Scornaienchi and G. Fortino, In Trust, owners, for changes in zoning from "AA" and "C" to "RT-20" and "G-1" for properties at 1508, 1514-1530 Upper James Street; Mewburn Neighbourhood.

10:45 O'CLOCK A.M.

16. Zoning Application 91-06, M. and L. Spandonidis, owners, for a modification to the "C" District regulations for property at 21 Lottridge Street; Stipeley Neighbourhood.
17. Zoning Application 91-11, 829145 Ontario Inc. (M. Lulgjura), owner, for a modification to the "H" District regulations for property at 324 Queenston Road; Glenview East Neighbourhood.

(a) Mr. & Mrs. Mattioli, 79 Delena Avenue South.

(b) Frank Husack Limited & Arthur Weisz Real Estate Limited, owners, 686 Queenston Road.

(c) Mrs. E. Wood, 75 Adair Avenue South.

18. City Initiative 91-A for a review of the "M" (Prestige Industrial) District Uses and Regulations - East Mountain Industrial Park.
19. Other Business.
20. Adjournment.



CITY COUNCIL
HAMILTON, CANADA

2.
Alderman Tom Jackson

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 383-3470 - WARD 6
15 March 1991.

Mrs. Susan Reeder,
Secretary,
Planning & Development Committee,
c/o City Clerk's Department.

MAR 18 1991

Dear Susan:

I am writing to you pertaining to the matter regarding the Berrisfield Gardens Addition which has taken place in my ward.

There are two points of disagreement between the original developers, namely, Mr. Bob Jugovic and Mr. Tony Faiella versus our Regional Engineering Department, namely, Mr. Konrad Brenner.

Sufficed to say, the dispute could not be resolved internally and having spoken today with Alderman Fred Lombardo, Chairman of the Planning and Development Committee, I am requesting that his matter be placed on the agenda of the Planning & Development Committee meeting for [REDACTED]

Mr. Brenner has advised me that this is the Committee which would deal with this issue.

Thank you for your cooperation and assistance ahead of time, and if you require any further information, please do not hesitate to contact me.

Sincerely yours,

Tom Jackson,
Alderman, Ward 6.

TJ:dp

cc: Alderman Fred Lombardo, Chairman, Planning & Developing Committee.
Alderman Dominic Agostino.
Mr. Konrad Brenner, Manager of Environmental Planning, Engineering Department.
Mr. Bob Jugovic & Mr. Tony Faiella, c/o A. & B. Construction,
47 Ottawa Street North, Hamilton. L8H 3Y8.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

2a.

TO: Ms. Patrice Noé Johnson
City Solicitor
Law Department

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee
City Clerk's Department

OUR FILE:
PHONE:

SUBJECT: Berrisfield Gardens Addition,
Lot Grading

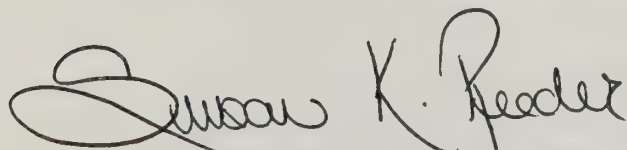
DATE: 1991 May 1

As you are aware, the Planning and Development Committee at its meeting held Wednesday, 1991 April 24, were in receipt of a request from Alderman Jackson and a staff report from the Commissioner of Transportation and Environmental Services, respecting the above-noted matter.

Following discussion on this issue, it was agreed that this matter be tabled for the purpose of further investigation. A decision should be made in the disputed dollar figure to the satisfaction of the original grading plan.

I have spoken with the Chairman of the Planning and Development Committee and he has agreed to have this matter return for the May 22 meeting of the Planning and Development Committee, rather than the next meeting which would have been May 8, in order to allow you more time to find and present clear options for the Committee. As indicated by yourself, there will be no prejudice to the applicants for this delay in coming back to the Committee since the request for payment will be in abeyance pending the report to the Committee.

Trusting that confirmation of this matter is of assistance to you in preparing the appropriate report for the May 22 meeting of the Planning and Development Committee.



c.c.- Alderman F. Lombardo, Chairman
Planning and Development Committee
- Alderman T. Jackson
- Mr. L. D. Turvey, Commissioner of Transportation and Environmental Services
Attention: Mr. C. A. Unelli

FOR INFORMATION

2b.

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L.D. Turvey, P.Eng.
Commissioner of Transportation and
Environmental Services

APR 4 1991


DATE: March 20, 1991
DEPT FILE: S702-36
COMM FILE:

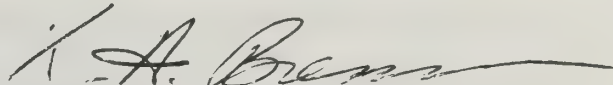
SUBJECT:

Berrisfield Gardens Addition, Lot Grading

RECOMMENDATION:

That this report be received by the Planning and Development Committee for information.


Prepared by:
C.A. Unelli
Development Coordinator (Environmental)


Approved for Submission by:
K.A. Brenner, P.Eng.
Manager, Environmental Planning

BACKGROUND:

The following information is provided in response to a request from the Secretary of the Planning and Development Committee to consider the grading as completed by the City of Hamilton for Lots 7 and 8 in Berrisfield Gardens Addition.

1. The Subdivider for Berrisfield Gardens Addition is known as 668539 Ontario Ltd.
2. The plan of subdivision and the City Subdivision Agreement were registered on April 29, 1987 and May 4, 1987 respectively.
3. The final grading completion date was established to be October 30, 1988.
4. Since the final grading had not been completed by October 30, 1988, the Subdivider was notified by registered mail on March 2, 1989 that he was in violation of Section VIII of the City Subdivision Agreement.
5. The City Solicitor's Office was notified on June 8, 1989 that the subdivider had not completed the lot grading nor submitted the required lot grading certificates. We advised their Department to pursue the legal avenues available to compel the Subdivider to complete the grading.

Grading for Lots 7 and 8, "Berrisfield Gardens Addition", Hamilton

cont'd...

6. Grading certificates were received and accepted for Lots 2, 3, 4, 5, 9, 10, 11 and 14 on November 7, 1989. Therefore, the certificates for Lots 1, 6, 7, 8, 12 and 13 remained outstanding.
7. In May of 1990 our Department received a complaint from Mr. J. McGowen, the owner of Lot 8. He advised staff that the Subdivider was adding a considerable amount of fill in their backyard and also to Lot 7.
8. Our staff inspected the site on May 26, 1990 and found both Lots 7 and 8 to be considerably higher than was required on the approved grading plan. It was further noted that the retaining wall which was proposed on the approved grading plan had been replaced with a slope along the south property line. This was clearly contrary to the approved grading plan requirements and had not been approved by our Department.
9. On July 17, 1990 we received a complaint from the owner of the adjacent townhouse development, Mountmuir Housing Co-operative, with respect to the retaining wall which had not yet been constructed by the subdivider of the subject lands. Their concern was that erosion at the bottom of the slope may undermine their fence causing it to collapse.
10. A further complaint was received from Mr. J. McGowen on July 19, 1990. The subdivider was still filling their property. (at least 6 dump truck loads on that day)
11. On July 27 1990, we advised the Subdivider, by registered mail, that the grading including the construction of the required retaining wall was to be completed no later than August 13, 1990 or the City would complete the work and draw all applicable costs from his security deposit. Concurrently, in order to save time, we obtained quotations for the work required to be completed in the event the City had to finish the work.
12. We received estimates ranging from approximately \$8,200.00 to \$15,000.00. Since the Subdivider had not completed the grading including the construction of the retaining wall prior to the August 13, 1990 deadline, we awarded the work to the low bidder, Bud's Contracting. Their estimate was in the amount of \$8,194.52.
13. The owners of both Lots 7 and 8 were advised that the contractor would likely be on site on August 27, 1990 to begin the work.
14. The Subdivider's Consulting Engineer advised us on August 30, 1990 that he could likely issue grading certificates for Lots 7 and 8 by September 14, 1990 with or without the retaining wall upon approval of the owners of Lots 7 and 8.

Grading for Lots 7 and 8, "Berrisfield Gardens Addition", Hamilton

cont'd...

Mr. C. Unelli of our Department contacted both the owners of Lots 7 and 8 and they refused to accept anything other than the retaining wall which they had every right to ask for since the retaining wall was a requirement of the approved grading plan.

15. When the contractor's surveyor set the grade stakes, it was determined that the homes on both Lots 7 and 8 had been constructed up to 0.70m higher than indicated on the approved grading plan. The ground elevation had also been raised substantially. Therefore, we could no longer grade to the elevations on the approved grading plan and we asked the surveyor to provide us with additional information from which we could establish new grades.
16. In light of the situation, we obtained written permission from the owner of Lot 9 to allow us to regrade a portion of his property, along the property lines, in order to allow us to achieve adequate drainage on Lot 8.
17. On September 10, 1990, we received and accepted grading certificates for Lots 1, 6, 12 and 13.
18. The additional charges incurred of approximately \$4,652.00 were due to the additional length in the retaining wall which was required, additional surveying, grading, excavation, removal of excess material, labour, equipment rentals etc. since it was determined, once on site, that the builder constructed the homes on Lots 7 and 8 higher than indicated on the approved grading plan. Therefore, the grades on the approved grading plan could not be achieved and we had to work with what was existing.
19. On October 2, 1990 staff inspected the lots and found the grading and retaining wall construction to be satisfactory. A letter was sent to the Subdivider on October 2, 1990 advising him that he would be relieved of his obligations with respect to the lot grading provided the invoice which would be issued by the City was paid in full.

In conclusion, this grading matter was dealt with in accordance with City Policies and Practices and is now in the hands of the City Solicitor and the City Treasury Department to collect payment.

The Subdivider was given approximately 2 1/2 years from the date the subdivision was registered, to the time the City completed the grading in accordance with Section VIII of the City Agreement, with several notices being issued. The Subdivider knew the City was going to complete the work and in fact didn't begin work until August 27, 1990 which was two weeks after our deadline of August 13, 1990.

-Page 4-
March 21, 1991

Grading for Lots 7 and 8, "Berrisfield Gardens Addition", Hamilton

cont'd...

We have not done anything more with this Subdivider than we have with any others. The City has also enforced and/or is enforcing Section VIII of the City Agreement within other developments. i.e. DiCenzo Gardens - Phase 2, Roma Gardens - Phase 1, Greenhill Gardens - Phase 1, Trenholme Survey and Novoco Gardens.

CAU:alv

cc: Alderman T. Jackson
cc: Alderman D. Agostino
cc: Ms. P. Noe Johnson, Law Department
cc: Mr. E. Matthews, City Treasury Department.

2c.

CITY OF HAMILTON
- INFORMATION -

DATE: 1991 May 13
S702-36

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: L. D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

SUBJECT:

Berrisfield Gardens Addition - Lot Grading

Ted Grim

for

L.D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

BACKGROUND:

At the regular meeting of the Planning and Development Committee, April 24, 1991, an information report from the Commissioner of Transportation and Environmental Services on the above item was tabled for further investigation of the cost to complete the lot grading. This report has been reviewed with the City Solicitor's Office and they are in agreement with it's contents.

DISCUSSION:

By October 30, 1988, the Subdivider was required to have submitted Lot Grading Certificates. The Subdivider failed to perform as required and was advised by the City on March 2, 1989 of the default. Some work was performed by the Subdivider between that time and May 1990, including final certificates of Lot Grading for all but Lots 7 and 8.

Resident complaints and site inspections in May 1990 showed that the lot grading for those lots was not according to the approved Plan. In particular, a slope had been installed along the south property line of Lots 7 and 8. This was not prescribed by the approved Plan and was not a satisfactory alternative to the required retaining wall.

Cont'd

Berrisfield Gardens Addition - Lot Grading


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The City called for tenders to carry out the work. The assumption when drawing the specifications for tender was that the buildings were constructed to grade according to Plan. This information proved incorrect when the contractor's surveyor set the grade stakes. Due to this further complication, caused by the Subdivider and unknown by the City at the time of tender call, short of demolishing the dwellings, a new grade had to be established and this required information the contractor was requested to supply (in addition to the tender specifications). Due also to this further complication caused by the initial construction by the Subdivider, the owner of Lot 9 had to be inconvenienced to allow proper drainage of Lot 8 in light of the requirement for a revised Lot Grade Plan.

Once the City proceeds to correct a deficiency or default of the Subdivider, there is no requirement that the Subdivider be given the further opportunity to fulfill their original obligation under the Agreement. Nevertheless, the City contacted the Subdivider on several occasions prior to the third party involvement and advised him to complete the grading. Once work was commenced by the City, whereupon the City was made aware of the further complication, no further contact was made with the Subdivider.

The initial contract let for the grading work and awarded to Bud's Contracting was for the amount of \$8,195.00. As a result of the improper grading and necessity for revised Lot Grading Plan for those lots, work approximated as 20% of original contract was anticipated. (This estimate was very preliminary since the effect of this physical difference was still an unknown). Give the additional cost factor (time delays and administration), it was determined to be cost effective to retain the original contract by amending his terms of appointment rather than reissue tender specifications and relet another contract.

The contractor, upon completion, submitted a bill for \$19,120.00 (which includes the original \$8,195.00). Engineering staff assessed the account and requested further breakdown to substantiate the costs. After submission of additional costing data, the payment of \$4,652.09 was authorized (in addition to the original \$8,195.00). Some of the costs in the initial invoice were in fact warranty type items and the contractor is in agreement with the reduction. This is within the Council Purchasing Policy. Subsequent to incurring the expense (payment of the contractor and successful completion of Lot Grading), the City then recovers its costs (contractor plus administration fee) from the Subdivider either directly or through the security held by the City for this purpose.

 PNJ/CAU:ja

cc: P. Noe Johnson, City Solicitor

- RECOMMENDATION -

3.

DATE: 1991 May 15

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

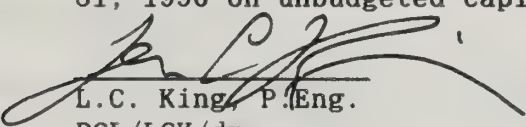
FROM: Mr. L. King
Building Commissioner

SUBJECT: Building Department Reorganization of
Administration and Plan Examination Divisions

RECOMMENDATION:

(a) That the physical alterations relevant to the downsizing within the Building Department, be carried out at an estimated cost of \$125,000. The downsizing was part of the reorganization of the customer service division of the Building Department approved by Council on 1991 March 26.

(b) That the Finance and Administration Committee be requested to recommend a method of financing in accordance with the City Council resolution approved July 31, 1990 on unbudgeted capital expenditures.



L.C. King, P.Eng.
PCL/LCK/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Physical alterations will total \$125,000.

BACKGROUND:

On 1991 March 20, a report was submitted to the Planning and Development Committee outlining changes and a reorganizational structure for the Administrative and Plan Examination Divisions of the Building Department. This reorganization included downsizing and the elimination of five staff members and was subsequently approved by Council on 1991 March 26.

The report to the Planning and Development Committee indicated, under the financial implications, that funds would be required to make physical changes to the office environment. In that the reorganization has generally taken place, this Department is ready to proceed with the necessary physical changes.

Estimates have been received from the Property Department with regard to their portion of the work, and estimates have been put together to purchase modular furniture. A total of \$125,000 is necessary to complete the physical changes.

The proposed alterations are for the public area where customers make application for building permit. The present counter area will be removed and individual offices will be provided so that customers can sit down in privacy with customer service representatives to discuss building plans and proposed alterations. The alterations will replace furniture which is approximately thirty years old.

c.c. E. Mathews, City Treasurer

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 May 14

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

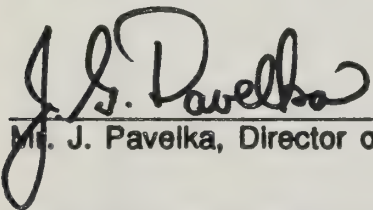
FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Commercial Improvement Programme;
Widening of Sidewalks on John Street South

RECOMMENDATION:

That funds be provided from the Commercial Improvement Programme Account No. CF 5200 428705006 at a total cost of twenty-five thousand dollars (\$25,000.) for the provision of widened sidewalks on the east side of John Street South between Main and King from 21 - 31 John Street South as per the map attached as Schedule 'A', and;

That Regional Council be requested to implement this proposal.



Mr. J. Pavelka, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The widening of this sidewalk area is estimated to cost twenty-five thousand dollars (\$25,000.).

This type of sidewalk widening which ultimately permits the operation of patio cafes has been undertaken in other commercial areas and is one of the principles of the Downtown Action Plan.

BACKGROUND:

On 1991 April 15 the Community Renewal Section of the Public Works Department received the attached requests from Mr. Steven Tarpos, owner of Artisan Cafe and Mr. Paul Pappas, owner of the Gaslight Restaurant requesting a sidewalk widening in front of their restaurants for future use of patio cafes. The Downtown Promenade B.I.A. is in support of this request.

The Regional Engineering Department is presently carrying out the Road Reconstruction Programme on Main Street West between John Street and Gage Avenue, so it is an ideal time to include the reconstruction of the sidewalk area along John Street with this project.

The Engineering Department has reviewed this request and has proposed the sidewalk widening as shown on the attached plan.

Recent traffic studies have confirmed that temporary delineators blocking vehicular traffic from the roadway where the sidewalk widening is being proposed, that there has been a reduction in right-turning accidents.

cc: Mr. T. Gill, Acting Commissioner
Engineering Department

Mr. G. Etele, Executive Director
Downtown Promenade B.I.A.

Mr. S. Tarpos
Artisan Cafe

Mr. P. Pappas
Gaslight Restaurant



35 John St., South
Hamilton, Ontario
L8N 2B5

525-3065

April 15, 1991

Ms. Jacqueline McNeilly
Co-ordinator of Community
Renewal Section
City Hall
71 Main Street West
Hamilton, Ontario

Dear Ms. McNeilly;

Hello Ms. McNeilly. My name is Steven Tarpos and I am Writing to you with regards to the traffic intersection located at the north east corner of John and Main streets in Hamilton. On Wednesday April 4, 1991, Mr. Ted Gill, from the Department of Engineering, and Mr. Joe Pauvelka, the Director of Public Works, and myself had a meeting in regards to the traffic problem. We all agreed that if the sidewalk which runs along John Street is extended, the traffic problem would reduce.

At the present time there are two large pylons out in front of the Cafe which have already reduced the traffic accidents considerably. I would like to extend the sidewalk not only to reduce the accidents but to serve the public by means of an outside patio. Mr. Gill as well as Mr. Pauvelka both agreed the patio is an excellent idea because in the very near future, the old Post Office location (on the opposite corner of The Artisan Cafe) will be the new site for the Provincial Court House. Hopefully you will agree that the City's as well as my objectives are positive.

I thank you for taking the time to read my letter and if there are any questions please do not hesitate to contact Mr. Gill or Mr. Pauvelka to this matter.

Sincerely yours,

Steven Tarpos
Owner and Supervisor

Gaflight
19 John Street S.
Hamilton, Ontario,
L8N 2B8

May 13, 1990

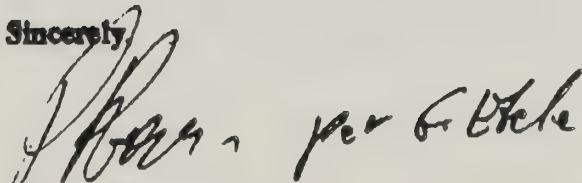
Alderman Wm. McCulloch
Chairman
Downtown Action Plan Co-ordinating Committee
71 Main Street West,
Hamilton, Ontario,

Alderman McCulloch

On April 15th Mr. Stephen Tarpos and I applied to the City to have the sidewalk widened on the east side of John St. S. in order to allow for the future use of this extended area as patios in front of our establishments.

As proprietor of the Gaflight restaurant I would like to formally request that the Downtown Action Plan Co-ordinating Committee approve the request for the widening of the sidewalk. Should you or the committee members require any information I would be happy to comply.

Sincerely,

A handwritten signature in dark ink, appearing to read "Pappas" followed by a flourish, and then "per G. Eche" written below it.

Mr. Paul Pappas
Proprietor - Gaflight



Downtown Hamilton Business Improvement Area.

P.O. Box 1023, Station A, Hamilton, Ontario L8N 3R4 Telephone (416) 523-1648

May 13, 1990

Alderman Wm. McCulloch
Chairman
Downtown Action Plan Co-ordinating Committee
71 Main Street West,
Hamilton, Ontario,

Alderman McCulloch,

RE: Request to widen the sidewalk on the east side of John St. S. near the Artisan Cafe and Gaslight establishments

With reference to the request to the widening of the sidewalk on John St. S. the Downtown Hamilton BIA supports this request on the basis that it conforms to and contributes to the mandate of the BIA and the 'lifestyle - people place' activities being encouraged in the downtown core area.

It is our understanding that sidewalk cafes were originally initiated in our area by a member of the BIA and other establishments have successfully followed suit over the past few years. Should you require further information please call.

Many thanks


Mr. Gabriel Etele
Executive Director

5.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 May 14

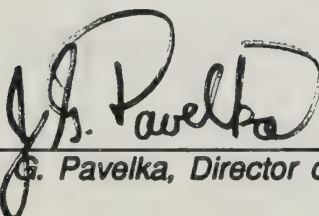
REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Business Improvement Areas - Commercial Improvement Programme, 1991 Submission

RECOMMENDATION:

- a) That the Commercial Improvement Programme for 1991 estimated at three hundred and twenty-six thousand, and fourteen dollars (\$326,014.) and outlined on the attached Table 'A' be approved, and;
- b) That the amount be charged to the Commercial Improvement Programme, Account No. CF 5698 428705099.



J. G. Pavelka, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

On 1987 January 29, City Council approved the Department of Community Development's Capital Budget Submission of five hundred thousand dollars (\$500,000.) per year for the next five (5) years for a total of two and a half million dollars (\$2,500,000.) for the Commercial Improvement Programme. The Account No. is CF 5698 428705099.

BACKGROUND:

From 1987 to 1990, City Council has approved a total of one million, eight hundred and thirty-three thousand, eight hundred and fifty-three dollars (\$1,833,853.) for improvements within the eight existing B.I.A.'s.

Submissions as detailed in Table 'A' for the 1991 Commercial Improvement Programme have been received from six out of the eight Business Improvement Areas, reviewed and agreed to by the Downtown Action Plan Co-ordinating Committee (DAPCOM).

*cc: Alderman McCulloch, Chairman
Downtown Action Plan Co-ordinating Committee (DAPCOM)*

*Ms. T. Agnello, Secretary
Transport and Environment Committee*

*Mr. K. Christenson, Secretary
Parks and Recreation Committee*

*Mr. J. Pavelka, Director
Public Works Department*

*Mr. E. Matthews, City Treasurer
Treasury Department*

*Mr. T. Gill, Acting Commissioner
Engineering Department*

Attchs.

TABLE 'A'

<u>B.I.A.</u>	<u>ITEMS REQUESTED</u>	<u>COST</u>
Concession Street	N/A	N/A
Jamesville	N/A	N/A
Downtown Promenade	-spot lighting -pole painting -alleyway lightng -garbage containers maintenance -move all planters -sidewalk widening -Gore Park flagstone -flag poles (5)	\$ 2,500. 20,000. 6,000. 1,500. 1,500. 25,000. 10,000. <u>12,000.</u> \$ 78,500.
Ottawa Street	-40 benches and -1 year maintenance -23 tall planters -2 short planters 1 year (plant/soil/material) -150 streetscape plaques and installation -6 banners and poles	36,000. 3,600. 13,000. 1,500. 2,000. 5,000. <u>9,000.</u> \$70,100.
Main Street West	-24 street blades -6 litter containers and 1 year maintenance -banner design with lights	6,000. 2,400. 2,280. <u>25,000.</u> \$ 35,680.
Westdale Village	-7 rest areas -2 drinking fountains -46 street blades	20,000. 6,000. <u>11,500.</u> \$ 37,500.
Barton Street	-10 litter containers -alleyway lighting	4,000. <u>6,000.</u> \$ 10,000.

TABLE 'A' CONT'D

<u>B.I.A.</u>	<u>ITEMS REQUESTED</u>	<u>COST</u>
International Village	-10 litter containers	\$ 4,000.
	-alley resurfacing	10,000.
	-fee for J.E. Bezin	2,500.
	-tree lighting	<u>2,500.</u>
		\$ 19,000.
	SUB TOTAL	\$250,780.
	20% CONTINGENCY	50,156.
	10% ADMINISTRATION	<u>25,078.</u>
	TOTAL	\$326,014.

CITY OF HAMILTON

- RECOMMENDATION -

6.

DATE: 1991 May 15

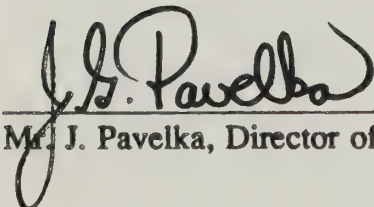
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Hamilton Street Railway Proposal for Locating Transit
Shelters in the Downtown Hamilton Area

RECOMMENDATION:

- a) That in accordance with Phase III of the H.S.R. Bus Shelter Proposal, H.S.R. be given approval to install bus shelters in the proposed locations other than Gore Park as follows:
- King Street West, north side, between James Street North and MacNab Street (in front of Grand and Toy)
 - 2 shelters located on King Street East, north side, between Hughson Street North and James Street North
 - on King Street East, north side between John Street North and Hughson Street North
 - on James Street North, west side north of King William Street (in front of the Eaton's Centre)
- b) That the public response to the Downtown shelters continued to be monitored.



Mr. J. Pavelka, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On 1989 April 25, City Council approved Phase I of the H.S.R. Transit Shelter Proposal as recommended by the Downtown Action Plan Co-ordinating Committee (DAPCOM). On 1990 July 12 DAPCOM, with representation from the Urban Design Committee and the Veterans Committee, heard a presentation by H.S.R. regarding the placement of additional transit shelters in the downtown area. This area was approved by City Council on 1990 August 28.

All transit shelters will contain advertising and be of the same design as the seven shelters erected in 1989 and 1990. Please note that one of the proposed locations will involve the relocation of a tree. The City of Hamilton's Public Works Department is presently being consulted to investigate the feasibility of this request. The shelters will be designed to compliment the streetscape and satisfy the design guidelines of the Central Area Plan with a victorian style roof instead of the usual flat roof. H.S.R. has indicated through their report that the reaction of the public to the shelters has been good. H.S.R. has not received any complaints with respect to their aesthetic affect on the streetscape. No complaints or comments have been received with respect to the advertising being displayed in two of the shelters. The H.S.R. customers unanimously endorse the installation of additional shelters on King Street, James Street and Gore Park. DAPCOM will not approve the location of any transit shelters in the Gore Park area until the Gore Park Review Committee completes a comprehensive review of Gore Park, its maintenance, uses and design elements and reports back to DAPCOM.

cc: Alderman McCulloch, Chairman
Downtown Action Plan Co-ordinating Committee

Ms. C. Coutts, Secretary
Veterans Committee

Mr. J. Sakala, Secretary
Urban Design Committee

Mr. D. Godley, Manager
Neighbourhood Planning

Mr. D. Turvey, P.Eng.
Hamilton Street Railway



1991 May 8

Ms. Jan Pacey, Secretary
Downtown Action Plan Committee
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

May 08/91
800-0602
0005-46
MS-05-14-91
J.P.

Re: Downtown Bus Shelters

Enclosed is an update report regarding the installation of transit shelters in the downtown.

There are 5 locations proposed for 1991. We would like to present our findings regarding Phase 2 of the Downtown Shelter Program and our recommendation for Phase 3 to the Downtown Action Plan Coordinating Committee for review and comment. Following this, we would like the Planning and Development Committee to approve Phase 3 and forward their recommendations to City Council.

Our Region-wide shelter installation program for 1991 is currently being prepared. Timely approval of Phase 3 of the downtown shelter installations by the various committees will ensure that the five shelters can be installed prior to December of 1991.

Sincerely,

L. Dale Turvey

L. Dale Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

LDI/DR
Encl.

*We're going
your way.*

HAMILTON STREET RAILWAY

DOWNTOWN BUS SHELTERS

1991

1.0 BACKGROUND

On November 25, 1988, CAPIC passed a resolution endorsing the HSR's shelter installation plan for the downtown core. The plan contained an installation program consisting of four phases spread over three years (1989 to 1991).

2.0 PROGRESS TO DATE

Phase 1, the installation of two shelters, was completed in August, 1989. The locations of these installations were:

- On James Street North, west side, north of King Street West (in front of Bank of Montreal Pavilion).
- On King Street West, north side, west of James Street North (in front of Birks Jewelers).

Figures 2.1 and 2.2 show the above two shelter locations.

Phase 2, the installation of five shelters, was completed in April 1991. The locations of these installations were:

- On James Street North, west side, south of King Street West (in front of Commerce Place).
- On James Street North, west side, north of Main Street West (in front of the Pigott Bldg.).
- On James Street North, west side, south of York Blvd. (in front of the Eaton Centre).
- On York Blvd., south side, west of James Street North (in front of the Eaton Centre).
- On King Street West, north side, east of Bay Street North (in front of Standard Life Bldg.).

Figures 2.3 through 2.7 show the above shelter locations.



Figure 2.1 Transit Shelter: James Street North at King Street West, North West Corner



Figure 2.2 Transit Shelter: King Street West at James Street North, North West Corner



Figure 2.3 Transit Shelter: James Street South at King Street West, South West Corner



Figure 2.4 Transit Shelter: James Street North at Main Street West, North West Corner



Figure 2.5 Transit Shelter: James Street North at York Blvd.,
South West Corner



Figure 2.6 Transit Shelter: York Blvd. at James Street North,
South West Corner



Figure 2.7 Transit Shelter: King Street West at Bay Street North, North East Corner

These shelters were designed to complement the streetscape and satisfy the design guidelines of the Central Area Plan (a "Victorian" style roof instead of the usual flat roof). Also note that the shelter placed adjacent to the Commerce Place was painted the same colour as the adjacent building to further complement the streetscape.

3.0 PUBLIC RESPONSE

The reaction of the public to the shelters has been good. We have not received any complaints with respect to their aesthetic affect on the streetscape. No complaints or comments have been received with respect to the advertising being displayed in the two shelters.

Our customers unanimously endorsed the installation of additional shelters along King Street, James Street and Gore Park.

The appearance of the seven downtown shelters has created an awareness amongst transit riders of the desirability of having a waiting area that is protected from foul weather while, at the same time, blending in well with the downtown streetscape.

4.0 SHELTER INSTALLATIONS IN 1991

For 1991 we are recommending that five "Victorian Roof" shelters be installed at the following locations.

- On King Street West, north side, between James Street North and MacNab Street (in front of Grand & Toy).
- Two Shelters located on King Street East, north side, between Hughson Street North and James Street North.
- On King Street East, north side, between John Street North and Hughson Street North.
- On James Street North, west side, north of King William Street (in front of the Eaton Centre).

All shelters will contain advertising and be of the same design as the seven shelters erected in 1989 and 1990. Figures 4.1 through 4.5 show site plans for these installations.

Please note that one of the proposed locations will involve the relocation of a tree. The City of Hamilton Public Works Department is presently being consulted to investigate the feasibility of this request.

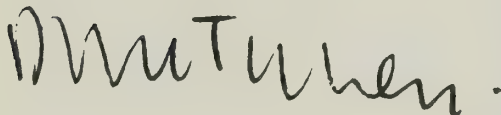
5.0 RECOMMENDATIONS

5.1 That the Downtown Action Plan Committee approve the installation of five shelters in the summer of 1991 at the locations outlined in section 4.0.

5.2 That the public response to the downtown shelters continued to be monitored.

5.3 That the Downtown Action Plan Committee forward this report to the Planning and Development Committee and City Council for approval.

Respectfully submitted,

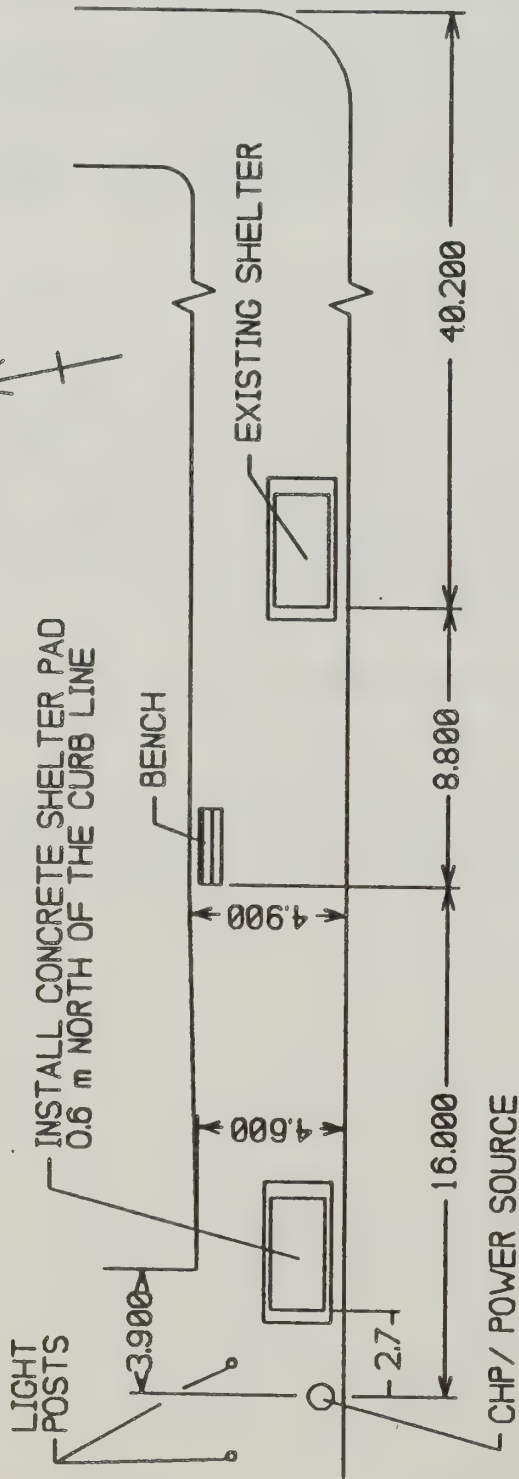


L. Dale Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

LDT/DR/cb

JACKSON SQUARE

JAMES STREET NORTH



KING STREET WEST

HAMILTON STREET RAILWAY
TRANSPORTATION SERVICES - PLANNING & DESIGN
1991 SHELTER PROGRAM

LOCATION: KING STREET WEST AT JAMES STREET NORTH,
FAR SIDE - NORTH WEST CORNER

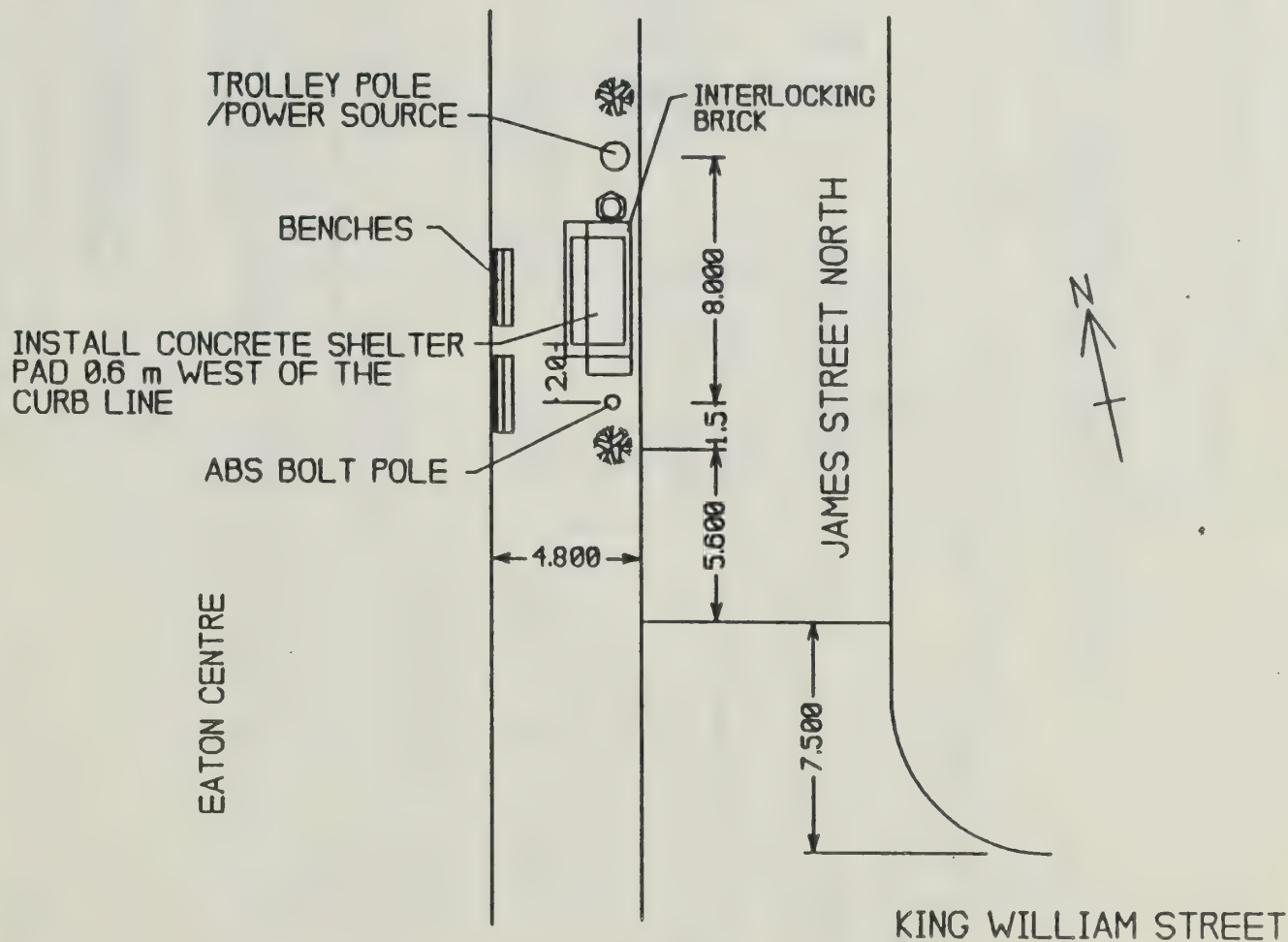
NOTE: ALL MEASUREMENTS ARE IN METRES

APRIL 22, 1991

91SHEL19

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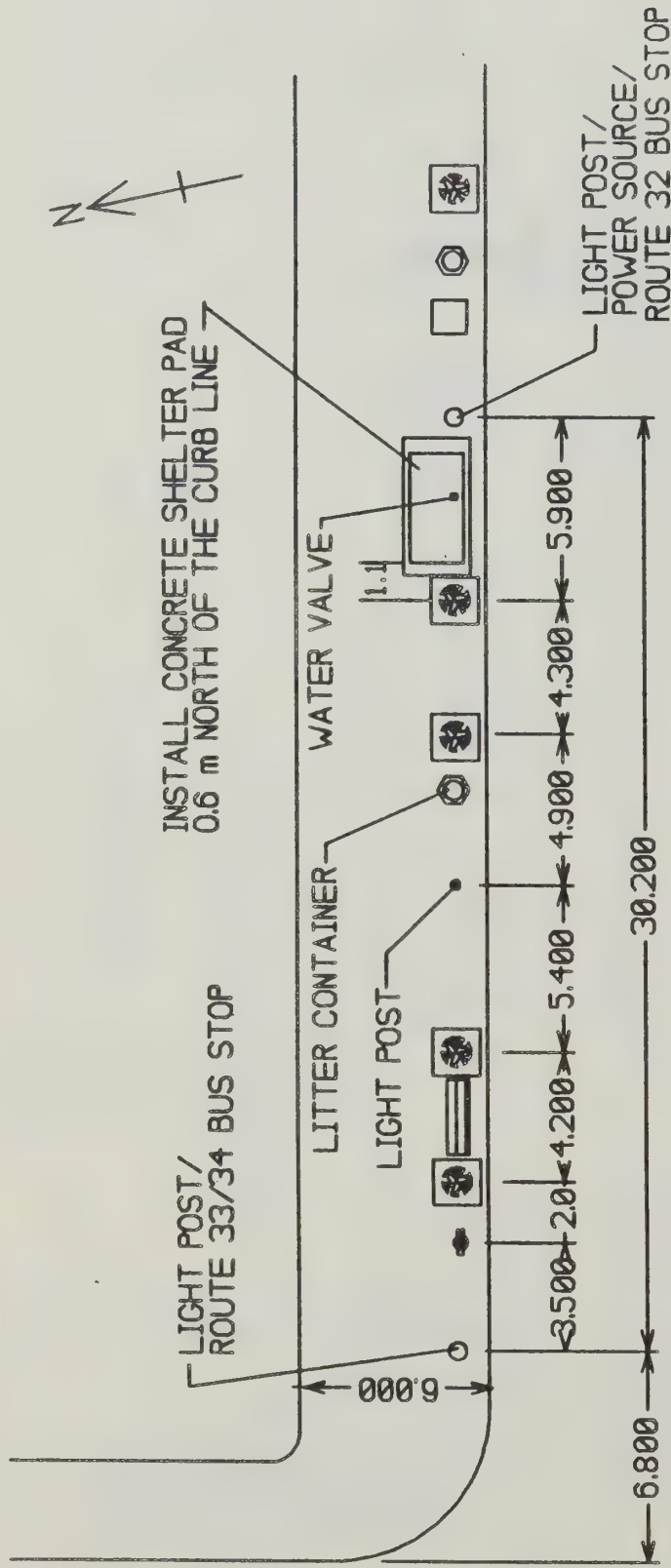


NOTE: ALL MEASUREMENTS ARE IN METRES

<p>HAMILTON STREET RAILWAY TRANSPORTATION SERVICES - PLANNING & DESIGN <u>1991 SHELTER PROGRAM</u></p>			
<p>LOCATION: JAMES STREET N. OPPOSITE KING WILLIAM STREET, MIDBLOCK - WEST SIDE</p>			
APRIL 22, 1991	91SHEL20	1:250	2

Figure 4.2

JAMES STREET NORTH



KING STREET EAST

HAMILTON STREET RAILWAY
TRANSPORTATION SERVICES - PLANNING & DESIGN
1991 SHELTER PROGRAM

LOCATION: KING STREET EAST AT JAMES STREET NORTH,
NEAR SIDE - NORTH EAST CORNER

NOTE: ALL MEASUREMENTS ARE IN METRES

APRIL 22, 1991

91SHEL21

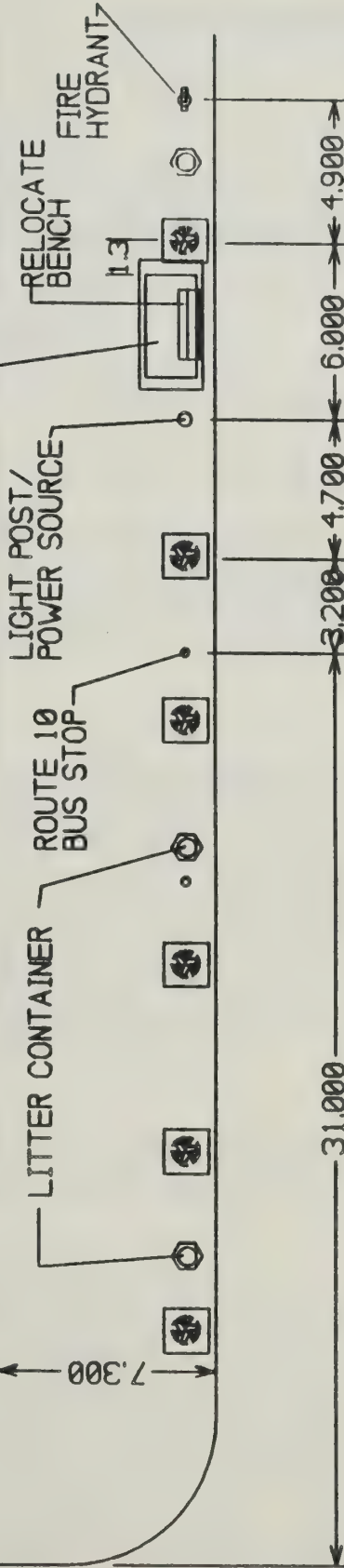
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3

HUGHSON STREET NORTH



INSTALL CONCRETE SHELTER PAD
0.6 m NORTH OF THE CURB LINE



KING STREET WEST

HAMILTON STREET RAILWAY
TRANSPORTATION SERVICES - PLANNING & DESIGN
1991 SHELTER PROGRAM

LOCATION: KING STREET EAST AT HUGHSON STREET NORTH,
NEAR SIDE - NORTH EAST CORNER

NOTE: ALL MEASUREMENTS ARE IN METRES

APRIL 22, 1991

91SHEL23

1'250

5

Figure 4.5

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 May 16

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Ms. P. Noé Johnson
City Solicitor

SUBJECT: Disposition of Fines - Municipal prosecutions

RECOMMENDATION: That the following be referred to the Finance and Administration committee:

" That the Minister of Municipal Affairs be requested to introduce and secure the enactment of an amendment to the Planning Act, 1983 and the Fire Marshall's Act, so that proceeds of every fine imposed under any provision of those Acts will be paid to the Treasurer of the municipality that prosecutes the offence and bears the cost of such prosecution."


P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The fines covered are those for by-law offences such as zoning, interim control, property standards, demolition control, and site plan control regulations. The total amount of fines imposed by the Courts under the Planning Act, 1983 in 1990 was \$6,450.00. In the first quarter of 1991 the amount of fines imposed through City of Hamilton prosecutions under the Planning Act, 1983 is already \$5,350.00.

The fines imposed by the Courts as a result of City of Hamilton enforcement pursuant to the Fire Marshall's Act totalled \$46,000.00 for the last quarter of 1990 and approximately \$22,660 so far in 1991.

BACKGROUND:

The Planning and Development Committee, February 20, 1991 requested a report on the recovery of administration expenses in the enforcement of Municipal By-laws.

DISCUSSION:

In March of this year, the local Crown Attorney, Mr. David Carr, under instructions from the Regional Office, turned over to the City (and Region) carriage of all prosecutions for which the municipalities receive the fines imposed and collected. The Province until that time had been prosecuting moving violations under Municipal Traffic By-laws, while the fines were to be credited to the municipality.

The Province receives fines collected under the Fire Marshall's Act and must assume responsibility for prosecution thereof should the City choose not to continue the current practice. This option has not been pursued based on the recommendation of the City of Hamilton Fire Chief. It was felt that the level of service and effectiveness of Fire prosecutions would suffer.

8.

CITY OF HAMILTON
- RECOMMENDATION -

MAY 18 1991

DATE: 1991 May 14
S726-116

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: L. D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

SUBJECT:

Land Severance Application H-90-90 to H-96-90 (Inclusive), Hamilton
225 Acadia Drive, 11, 15, 19, 23, 27, 31, 35, 47, 51 and 55 Beaverton Drive

RECOMMENDATION:

- a) That the City of Hamilton convey to the adjacent owners (Giovanni Fortino, Umberto Spagnuolo and Stan Felice) lands known as Part 8 of Plan 62R-11000, 225 Acadia Drive, 11, 15, 19, 23, 27, 31, 35, 47, 51 and 55 Beaverton Drive in the City of Hamilton, and that the sale price for these lands be \$1.00;
- b) That City Real Estate Department be authorized and directed to sell Part 8 Plan 62R-11000; and,
- c) That the Mayor and City Clerk be authorized and directed to execute the documents required in this matter.

Ted Crim

for

L.D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

Cont'd

-Page 2-
May 13, 1991

Land Severance Application H-90-90 to H-96-90 (Inclusive), Hamilton
225 Acadia Drive, 11, 15, 19, 23, 27, 31, 35, 47, 51 and 55 Beaverton Drive

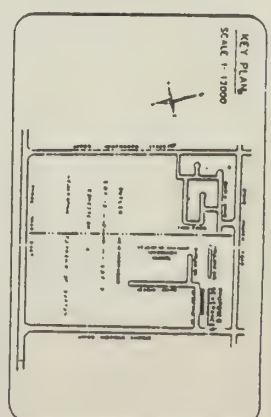
Cont'd

BACKGROUND:

These lands are located on the north side of Beaverton Drive 225 Acadia Drive, 11, 15, 19, 23, 27, 31, 35, 47, 51 and 55 Beaverton Drive in the Butler Neighbourhood (see attached plan).

The owners of these lands for the above noted severances have paid to the City and Region all outstanding servicing costs related to the reserves adjacent to their property. The reserve is in excess of lands required for road allowance purposes and, therefore, must be transferred to the adjacent owners. This is in accordance with normal City of Hamilton procedures and policies, which authorize the sale of lands outside the road allowance once all servicing costs have been paid.

 PS:ja
Attach.



SECTION OF
PART OF LOT 9 - CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARON
HOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - NORTHERN

SCALE 1:500

At Dr. J. Clark and Associates Ltd
On 14th June 2007 - 10:00 AM

9.

YOUR FILE:

OUR FILE:
PHONE: 546-4587

DATE: 1991 May 16

John

Mr. J. G. Pavelka, Director of Public Works

10.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: May 15, 1991
DA-89-13
(25CDM-8028)
Broughton East Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request to amend and register Site Plan Control Application DA-89-13 to create a division for a condominium development at the existing townhouse project at 14 Derby Street.

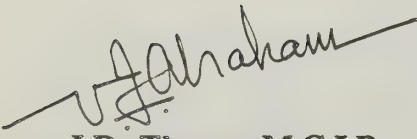
RECOMMENDATION:

1. That approval be given to a request to amend plans of Site Plan Control Application DA-89-13, by Lillian Heights Inc., owner of lands at 14 Derby Street, to allow the site to be developed as two separate condominium corporations of 22 and 28 townhouse units subject to the following:
 - i) modification to the plans to indicate the condominium boundary as marked in red on the plans;
 - ii) approval by the Committee of Adjustment for the following variances for the 22 unit condominium project:
 - a) a lot area of 4,172 m² instead of the required 5,060 m²;

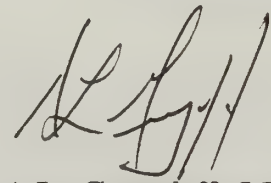
- b) a southerly side yard of 1.2 m instead of the required 3.0 m;
 - c) 5 parking spaces to be located on the adjacent townhouse project instead of on the lot;
 - iii) approval by the Committee of Adjustment for the following variance for the 28 unit condominium project:
 - a) a northerly side yard of 1.8 m instead of the required 3.0 m.
 - iv) provision within the Site Plan Agreement that the owner be required to provide mutual right-of-way agreement, parking and access agreements and reciprocal agreements which will govern the relationships between the two condominium corporations;
- and further;

2. That the following resolution be forwarded to City Council for approval:

That the plans of Site Plan Control Application DA-89-13 by Lillian Heights Inc., owner of land known as 14 Derby Street, for a co-ordinated development of a 22 and 28 unit townhouse project, be registered on title.


per J.D. Thoms, M.C.I.P.

Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

EXPLANATORY NOTE:

Since the plans and drawings were originally approved by Site Plan Control Application DA-89-13, under a single ownership, it is necessary to ensure that the intent of DA-89-13 and the various details which include access driveways, parking areas, manoeuvring areas, etc. is guaranteed regardless of the ownership of the two parcels.

BACKGROUND:

The plans of Site Plan Control Application DA-89-13 for a 50 unit condominium townhouse development were approved on April 18, 1989 and subsequently finalized on May 26, 1989.

The project has been completed and is presently occupied.

A condominium application for the entire project was processed and draft approval was given February 22, 1990. Final approval was given on July 13, 1990 but the plan was not registered.

Due to economic market conditions, the applicant has requested that the project be divided into two condominiums having 22 and 28 units. Reciprocal Agreements have been prepared to accommodate certain easements and agreements to govern the relationship between the two condominiums.

COMMENTS

The existing development has not altered from the approved plans of DA-89-13. The formation of two condominiums, as shown by the red line on the plan, creates two parcels of land. As a result of this, the following variances are created:

A. For the 22 unit condominium:

- i) a lot area of 4,172 m² instead of the required 5,060 m²;
- ii) a southerly side yard of 1.2 m instead of the required 3.0 m; and,
- iii) 5 parking spaces located on the adjacent townhouse project instead of on the lot.

B. For the 28 unit condominium:

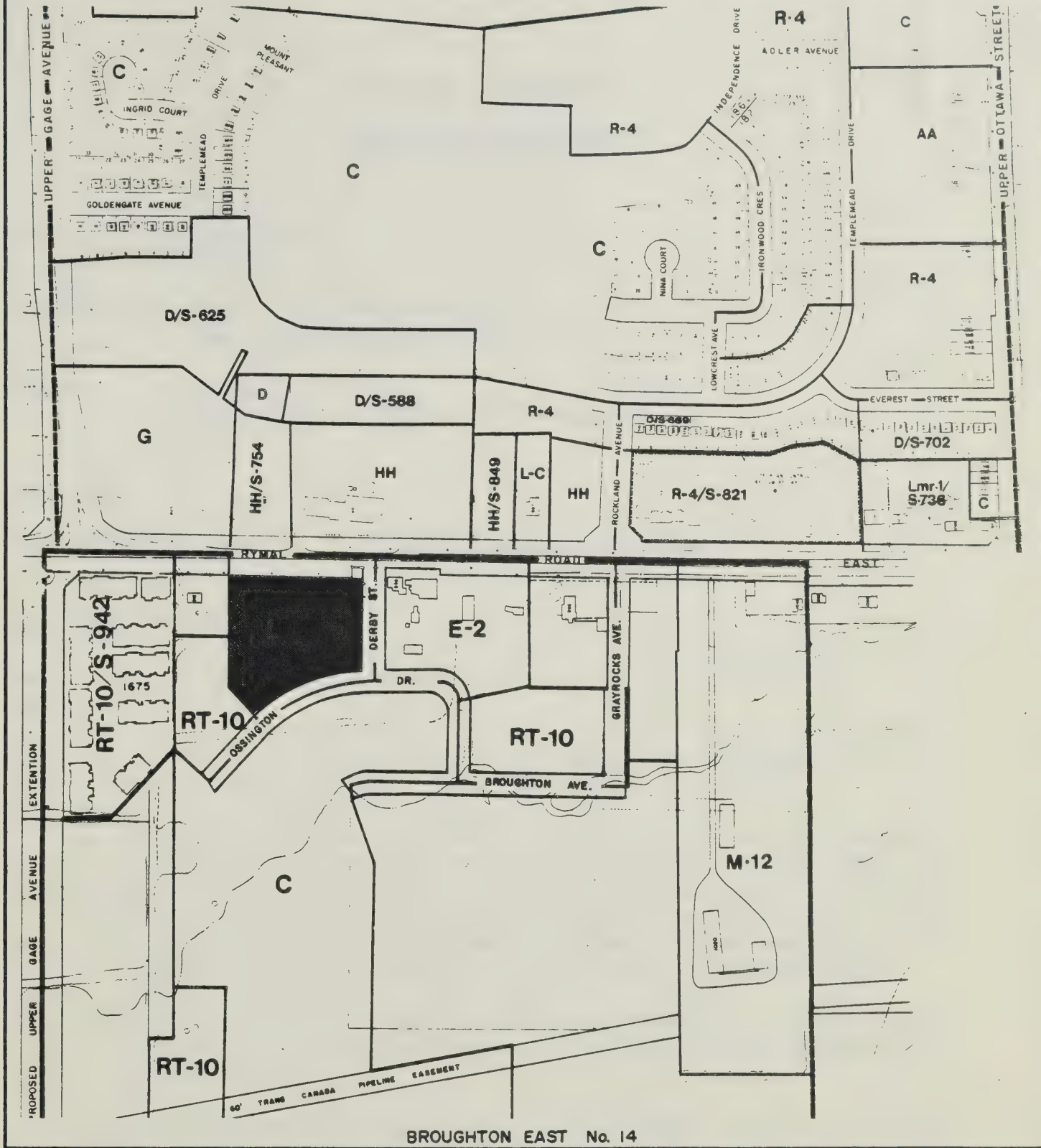
- i) a northerly side yard of 1.8 m instead of the required 3.0 m.

Since the overall project will remain intact through reciprocal agreements and since the above noted variances are considered minor in nature, the application can be supported.

It is further recommended that the approved plans of DA-89-13 be registered on title of the land to ensure that the features and details provided on the plans are provided regardless of the ownership of the development as divided.

JPS/ma

WPDA8913



BROUGHTON EAST No. 14

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-89-13

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1: 5,000

Date
JAN., 1989

Reference File No.
DA-89-13

Drawn By
R.J.M.

11.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 May 16
(P5-7-1)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Niagara Escarpment Plan Five Year Review - Request for Comments

RECOMMENDATION:

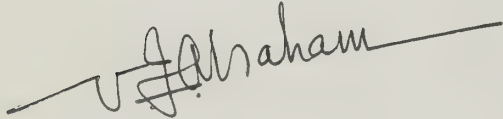
That the following recommendation be submitted to the Parks and Recreation Committee for endorsement:

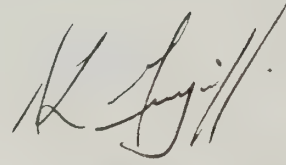
- 1) That the Clerk be requested to advise the Region and the Niagara Escarpment Commission that:
 - i) the City of Hamilton recommends that the existing "Urban Area" designation in the Niagara Escarpment Plan for a portion of the Mohawk Sports Park (bounded by Mohawk Road to the north, the abandoned rail r.o.w. to the west, Limeridge Road to the south and Mountain Brow Blvd. to the east) be maintained and not be redesignated "Escarpment Protection Area", since it will impact the use of this portion of the park for active recreational purposes;
 - ii) the other changes proposed to the Niagara Escarpment Plan do not adversely impact on the planning intentions of the City and can be supported. In particular:
 - a) the inclusion of the Bruce Trail into the Niagara Escarpment Plan with policies for the development and protection of various components of the Trail;
 - b) the inclusion of Sam Lawrence Park into the Niagara Escarpment Parks System and its redesignation to "Escarpment Protection Area";
 - c) the redesignation of lands east of Albion Falls to "Escarpment Protection Area"; and,

- d) the inclusion of the southern portion of the Royal Botanical Gardens/Cootes Paradise in to the Niagara Escarpment Plan.

EXPLANATORY NOTE:

The Niagara Escarpment Commission (N.E.C.) has requested the City's comments on their Plan Review document and background papers, prepared as part of their review of the Niagara Escarpment Plan. The Niagara Escarpment Planning and Development Act requires the Commission to undertake such a review. The Commission has requested that the City's comments be forwarded to the Region with a copy to the N.E.C.


 J. D. Thoms, M.C.I.P.
 Commissioner
 and Development Department


 A. L. Georgieff, M.C.I.P.
 Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Niagara Escarpment Commission (N.E.C.), in accordance with the Niagara Escarpment Planning and Development Act, has undertaken a review of the Niagara Escarpment Plan (N.E.P.). As a result of this review, the N.E.C. has prepared a Plan Review document which details all the changes proposed to the N.E.P. At this time, the N.E.C. is undertaking an extensive public review program including circulation of the Plan Review document to affected municipalities for their comment. The N.E.C. has requested the City's comments be forwarded to the Region. The Region will forward our comments, as well as those of the other local municipalities in the Region, to the Commission. The Commission will then review all submissions received, and hold public hearings which are anticipated for June, 1991. The City will be notified of these public hearings. Once the hearings have been held, a hearing officers report will be prepared and reviewed by the N.E.C.. Final recommendations will be made to the Minister of Environment and Plan changes are expected by February, 1992.

In addition, the City is undertaking work to bring the City's Official Plan into conformity with the N.E.P.. The purpose of this conformity exercise is to ensure that the policies of the Hamilton Official Plan and the N.E.P. do not conflict. In January 1991, a draft of recommended changes to the City's Plan was forwarded to the N.E.C. for comment prior to formal presentation to the Planning and Development Committee. To date, comments have not been received, however, N.E.C. staff have indicated that the work appears satisfactory.

REPORT:

The Niagara Escarpment Plan is a Provincial land use plan designed to ensure the protection of the Niagara Escarpment. The Plan is comprised of four main parts including:

- Land Use Policies;
- Development Criteria;
- The Niagara Escarpment Parks System; and,
- Appendices with a brief description of the parks within the Niagara Escarpment Parks System, and Definitions of various terms used throughout the Plan.

The Plan includes a series of nine maps, one for each Region or County along the Niagara Escarpment, which identify the land use designations assigned to all the lands within the planning area.

The review itself involved the preparation of 21 background studies or "Policy Papers" on a variety of issues. Analysis of the Plan Review document and the Policy Papers reveal that there are only a few changes proposed which have impact on the City of Hamilton. These include:

- the Bruce Trail to be a permitted use in the areas designated "Escarpment Natural Areas". New development criteria is to be introduced specifically dealing with the development and maintenance of the Trail corridor including "Overnight Rest Areas" and "Trail Access Points";
- golf courses are no longer to be a permitted use in the "Escarpment Protection Areas". Both the Chedoke and King's Forest Golf Courses are designated "Escarpment Protection Area" in the N.E.P. Notwithstanding, these golf courses are existing uses which are permitted to continue;
- the Niagara Escarpment Parks System is to be modified to include the Royal Botanical Gardens/Cootes Paradise as a "nodal" park and Sam Lawrence Park as a "Natural Environment" park. A new policy is proposed whereby municipal parks may, upon request and in agreement with the Ministry of Natural Resources and the N.E.C., be included in the Niagara Escarpment Parks System without requiring an amendment to the N.E.P.; and,
- the following changes are proposed to Map 2 - Regional Municipality of Hamilton-Wentworth (see Map 1 attached);
 - designation of Sam Lawrence Park to be changed from "Urban Area" to "Escarpment Protection Area";

- two areas to the east and west of Albion Falls from "Urban Area" to "Escarpment Protection Area";
- the southerly portion of the Royal Botanical Gardens/Cootes Paradise (within the City) is to be incorporated into the N.E.P. area. It is presently within the Province's Parkway Belt West Plan;
- a new Map 10 is proposed in the N.E.P. identifying the location of each park in the Parks System and the proposed "Park Classification" (Nature Reserve, Natural Environment, Recreation, Historical, Escarpment Access and Resource Management Area).

IMPLICATIONS ON THE CITY OF HAMILTON:

There are several changes proposed to the N.E.P. that affect the City:

- **The Bruce Trail** - The location of the Bruce Trail is to be shown on the new Map 10. In addition, new policies are to be introduced throughout the N.E.P. to provide for its maintenance and development along the Escarpment. The inclusion of the Bruce Trail in the N.E.P. gives formal recognition and protection of the Trail within the Plan area. Since the Trail is an integral part of the Escarpment, it is appropriate to recognize it in the N.E.P. and to provide for its development, maintenance and protection;
- **Sam Lawrence Park** - This park is proposed as a new park within the Niagara Escarpment Parks System. It is proposed also to be redesignated from "Urban Area" to "Escarpment Protection Area" on Map 2 of the N.E.P. In response to this proposal, the staff of the Parks Division advise of the following benefits:
 - "A) The preservation of Sam Lawrence Park as an escarpment park with additional protection measures against future developments which could jeopardize the integrity of the site.
 - B) As a Niagara Escarpment Park this site would become eligible for potential funding for development initiatives which are in keeping with the objectives of the City and the Niagara Escarpment Commission. An example, in this regard, could include provincial funding for the education/interpretive exhibits currently proposed for the park.
 - C) Sam Lawrence Park would be included in the Niagara Escarpment Commission's advertising and promotion strategies. This could have positive spinoffs from increasing the role of Sam Lawrence Park as a tourist destination. This is in keeping with the City's objectives for increasing tourism in the Region and the development of objectives for the park."

In addition, Parks Division staff note that a similar designation of the City-owned property at Albion Falls as a park within the Niagara Escarpment Parks System may be worth pursuing in the future.

- **Two areas east and west of Albion Falls** - These areas are proposed for redesignation from "Urban Area" to "Escarpment Protection Area". The Parks Division has expressed concern with the lands on the east side of the Mohawk Sports Park (see attached). Specifically, it is noted that this proposed change:

"may be in conflict with the City's long term interests for developing Mohawk Sports Park. This portion of the park is currently undeveloped but may be required in the future for the development of a major recreational facility. The proposed designation....could hamper the development potential of this park....it is recommended that the City object to the designation of the easterly half of Mohawk Sports Park as an Escarpment Protection Area."

The background paper prepared by the N.E.C. indicates that the basis for the proposed redesignation to "Escarpment Protection Area" is that these lands are designated "Open Space" in the City's Official Plan. However, this designation permits both active and passive recreation uses such as those existing at the Mohawk Sports Park. The redesignation to "Escarpment Protection Area" would prohibit the use of these lands for active recreational purposes.

- **Royal Botanical Gardens/Cootes Paradise** - It is proposed to incorporate the southerly portion of the Royal Botanical Gardens/Cootes Paradise into the N.E.P. from its present location in the Parkway Belt West Plan. This is part of a larger area, called the "Escarpment Link".

Other comments from the Parks Division support the changes proposed in the Plan Review document, including the provisions of the Bruce Trail (see attached letter).

CONCLUSIONS:

Based on the foregoing, both the Region and the Niagara Escarpment Commission should be advised that the City of Hamilton objects to the proposed redesignation of a portion of the Mohawk Sports Park (bounded by Mohawk Road to the north, the abandoned rail r.o.w. to the west, Limeridge Road to the south and Mountain Brow Blvd. to the east) from "Urban Area" to "Escarpment Protection Area" in the Niagara Escarpment Plan, on the basis that it will impact the potential use of the affected portion of the park, for active recreational purposes. Accordingly, the existing Niagara Escarpment Plan designation of "Urban Area" should be maintained.

With respect to the other changes proposed, the City should support:

- the inclusion of the Bruce Trail and the related policies into the plan;
- the inclusion of Sam Lawrence Park into the Niagara Escarpment Parks System and its redesignation to "Escarpment Protection Area";
- the redesignation of lands east of Albion Falls to "Escarpment Protection Area"; and,
- the inclusion of the southern portion of the Royal Botanical Gardens/Cootes Paradise in to the Niagara Escarpment Plan.

Given that the proposed changes impact on municipal parks, it would be advisable to submit this report and associated recommendations to the Parks and Recreation Committee for its consideration.

C.F.:ns/dkp
NIAG.ESC

Copy

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Mr. Alex Georgieff, M.C.I.P.
Director of Planning and Development
Attention: Caroline Floroff

YOUR FILE:

FROM: R.W. Chrystian, Manager
Parks Division

OUR FILE: 91.2106.00
PHONE: 546-4629

SUBJECT: Niagara Escarpment Plan Review

Further to your request on April 9, 1991, for input from Park's staff towards the proposed revisions to the Niagara Escarpment Plan, I have the following comments.

The Parks Division supports the proposed amendments to the Niagara Escarpment Plan including the Bruce Trail. Of particular interest to the City is the proposed inclusion of Sam Lawrence park into the Niagara Escarpment Parks System.

In this proposal, Sam Lawrence Park will remain owned and managed by the City of Hamilton, within the guidelines developed for Niagara Escarpment Natural Environment Parks. This management strategy is concurrent with our development and management plans for this park.

The benefits which can be achieved through designating Sam Lawrence Park as a Niagara Escarpment Park include the following:

- A) The preservation of Sam Lawrence Park as an escarpment park with additional protection measures against future developments which could jeopardize the integrity of the site.
- B) As a Niagara Escarpment Park this site would become eligible for potential funding for development initiatives which are in keeping with the objectives of the City and the Niagara Escarpment Commission. An example in this regard, could include provincial funding for the educational/interpretive exhibits currently proposed for the park.
- C) Sam Lawrence Park would be included in the Niagara Escarpment Commissions advertising and promotional strategies. This could have positive spinoffs from increasing the role of Sam Lawrence Park as a tourist destination. This is in keeping with the City's objectives for increasing tourism in the Region and the development objectives for the park.

Should this designation prove successful for Sam Lawrence Park then a similar designation for the City-owned property at Albion Falls may be worth pursuing, at a future date.

It is my understanding the Planning and Development Department will be forwarding a recommendation to the Planning and Development committee concerning the proposed amendments to the Niagara Escarpment Plan, for their consideration. Will you please forward these recommendations to all members of the Parks and Recreation Committee, for their information, prior to advancing the document for Council approval.

Should you require any additional information concerning this matter, please do not hesitate to telephone me at 546-4629.

CFE/pw

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

TON

MAY 06 1991

TO: PLANNING UNIT

FILE:

STAFF

FILE: 91.2106.00

E: 546-2465

CASH

ADMIN.

TO: Ms. Caroline Floroff
Planner I
Planning and Development Department

YOUR FILE:

FROM: Mr. C. Firth-Eagland
Park Development Co-ordinator
Public Works Department

OUR FILE: 91-2106-00
PHONE: 546-2465

SUBJECT: Niagara Escarpment Review

DATE: 1991 May 3

Further to our discussion on April 30, 1991, concerning the Niagara Escarpment Plan Review, I have the following comments.

One of the revisions proposed in the Niagara Escarpment Review may be in conflict with the City's long term interests for developing Mohawk Sports Park.

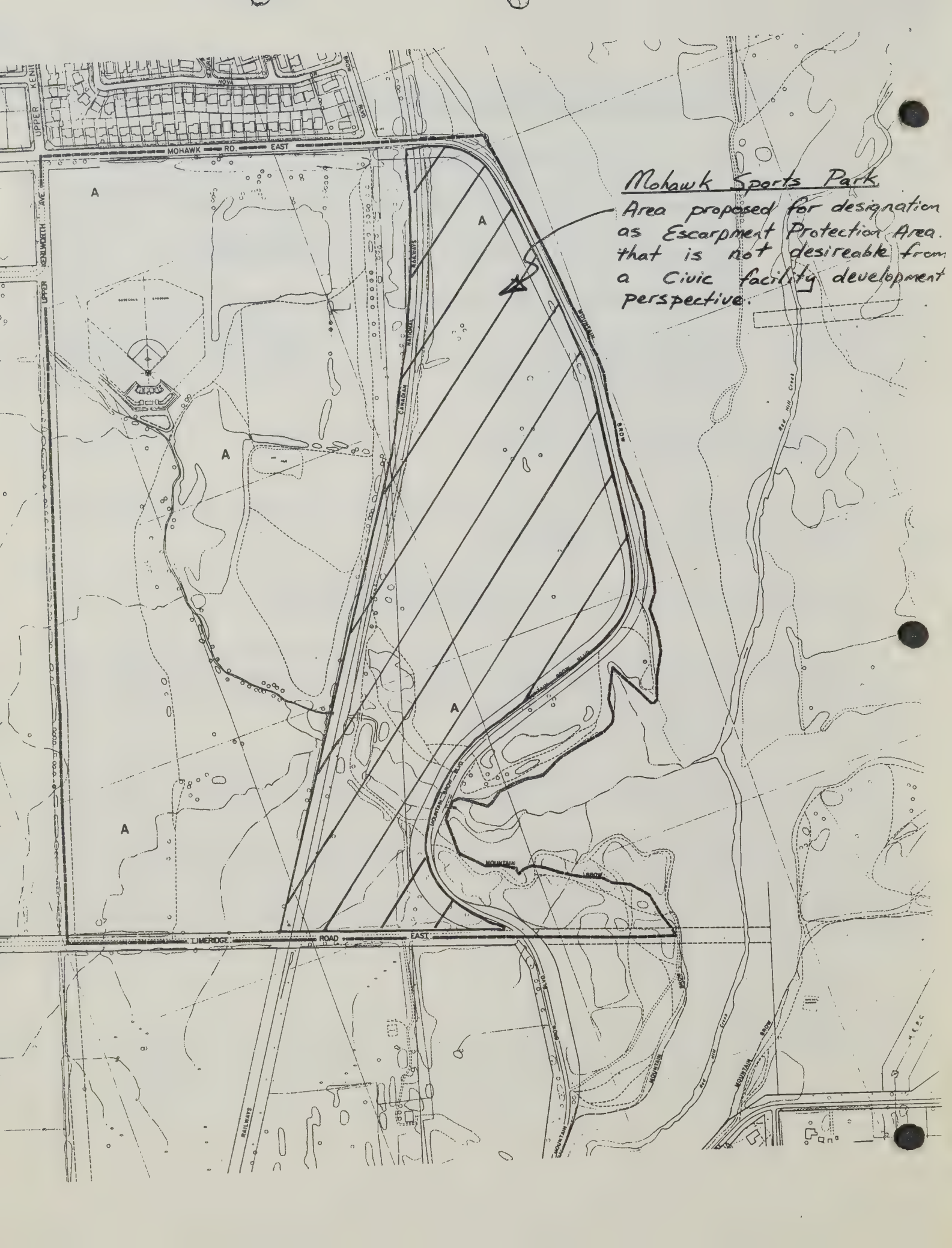
The easterly half of Mohawk Sports Park is bounded by the abandoned CN tracks, Mohawk Rd., Limeridge Rd. and Mountain Brow Blvd, as illustrated on the attached plan. This portion of the park is currently undeveloped but may be required in the future for the development of a major recreational facility.

The proposed designation of this site as an Escarpment Protection Area with the subsequent limitations for permitted uses, could hamper the development potentials of this park.

From this perspective it is recommended that the City object to the designation of the easterly half of Mohawk Sports Park as an Escarpment Protection Area.

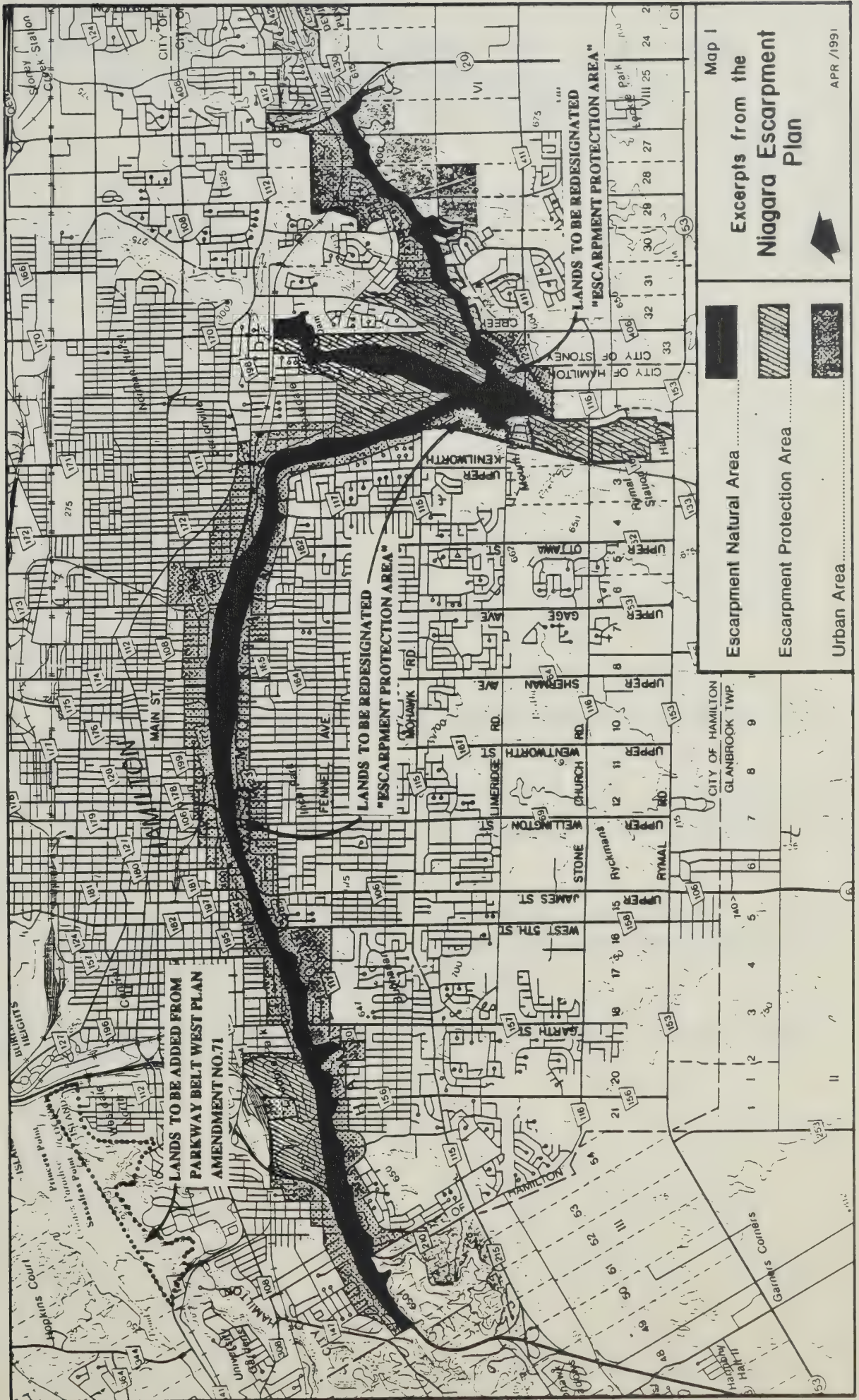
Should you require any additional information concerning this matter, please do not hesitate to telephone me at 546-2465.

CFE/pw
attach.



Mohawk Sports Park

Area proposed for designation
as Escarpment Protection Area.
that is not desirable from
a Civic facility development
perspective.





CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE
a Subcommittee of the Planning and Development Committee
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

12.

DATE: 1991 May 15

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

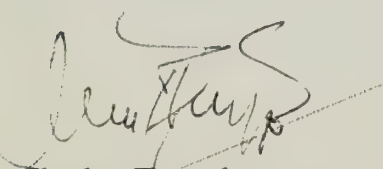
FROM: Charles Forsyth
Chairperson
CAPIC

SUBJECT:

VIA Rail Service

RECOMMENDATION:

1. That the following be forwarded to Transport and Environment Committee with the recommendation that:
 - a) City Council endorse the Regional Council of Niagara's resolution (attached) and formally express concerns over the proposed cuts in VIA service to the Federal Minister of Transport; and,
 - b) City Council request the Region of Hamilton-Wentworth to formally endorse the Regional Municipality of Niagara's resolution with respect to retaining passenger service to downtown Hamilton from Niagara.
- 2) That this matter be referred to the Task Force on the future of the CN Rail station for further review.


Charles Forsyth
Chairperson, CAPIC

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Council of Regional Municipality of Niagara passed a resolution on February 7, 1991 expressing concern over lost VIA Rail service to downtown Hamilton. This resolution was sent in a letter to the Federal Minister of Transport, the Honourable Doug Lewis and sent to the Regional Municipality of Hamilton-Wentworth for endorsement. At the March 26, 1991 meeting of the Regional Economic Development and Planning Committee, the letter was received for information only.

The loss of the VIA link between downtown Hamilton and Niagara is also of concern to CAPIC as this directly impacts Hamilton's Central Area (Reference - policies 4.8 and 4.8.16, Central Area Plan). CAPIC feels that the potential loss of rail service should be brought to the attention of City Council and Regional Council so that formal statements are made on the subject.

MD/dkp

A:\CAPICREP



OFFICE OF THE CLERK

The Regional Municipality of Niagara
2201 St. David's Road, P.O. Box 1042
Thorold, Ontario L2V 4T7
Telephone: (416) 685-1571

February 19, 1991

The Honourable Doug Lewis
Minister of Transport - Canada
Room 2155
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Minister:

The Council of the Regional Municipality of Niagara at its meeting of February 7, 1991, endorsed the following resolution:

"WHEREAS VIA Rail recently announced the abandonment of its current Hamilton and Dundas train stations; and

WHEREAS the relocation of these two stations to a far less centrally located station inevitable will reduce ridership on this line; and

WHEREAS a decline in Hamilton-Wentworth riders' use of passenger trains inevitably will result in further cutbacks in VIA service to Niagara;

THEREFORE BE IT RESOLVED that this Council call upon VIA to retain its passenger service to downtown Hamilton and to maintain and increase service to Niagara, and

BE IT FURTHER RESOLVED that this Council inform the Federal Minister of Transportation, the five local Members of Parliament, the Council of the Regional Municipality of Hamilton-Wentworth, and the Transportation Niagara Steering Committee, of its position."

Regional Council is seriously concerned about proposed cutbacks by VIA Rail and respectfully requests your favourable consideration of the above resolution.

The Honourable Doug Lewis
February 19, 1991
Page 2

By copy of this letter, we are advising our local Members of Parliament, the Regional Municipality of Hamilton-Wentworth, and the Transportation Niagara Steering Committee, of Councils' position in this matter.

Yours truly,

Sandra McDougall

Sandra McDougall
Deputy Clerk

/km

cc: As Noted Above

13.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: May 16, 1991
ZA-89-103
Eleanor Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a change in Zoning - Lands on the north side of Brenda Street, in the area east of Eleanor Avenue.

RECOMMENDATION:

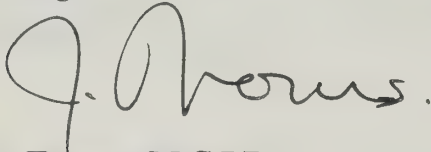
That approval be given to Zoning Application 89-103, Steinnagel Construction, owner requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for lands north of Brenda Street, in the area east of Eleanor Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.


EXPLANATORY NOTE:

The purpose of the by-law is to provide for change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands north of Brenda Street, in the area east of Eleanor Avenue, as shown on the attached map.

The effect of the by-law is to permit the development of the subject lands for single-family dwellings.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In April 1988, Regional Council approved a draft plan of subdivision (Eleanor Heights Addition - Phase 2) on the subject lands for 18 single-family dwellings.

LOT SIZE AND AREA:

- 115.9 m (380 ft.) of lot frontage on Brenda Street;
- 76.21 m (250 ft.) of lot depth; and,
- 0.62 ha (1.5 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north and south	vacant	"C" (Urban Protected Residential, etc.) District
to the east	vacant	"AA" (Agricultural) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE HOUSING" in the approved Eleanor Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comments or objections:

- Traffic Department;
- Building Department; and,
- Hamilton-Region Conservation Authority.

- The Hamilton-Wentworth Engineering Department has advised that:

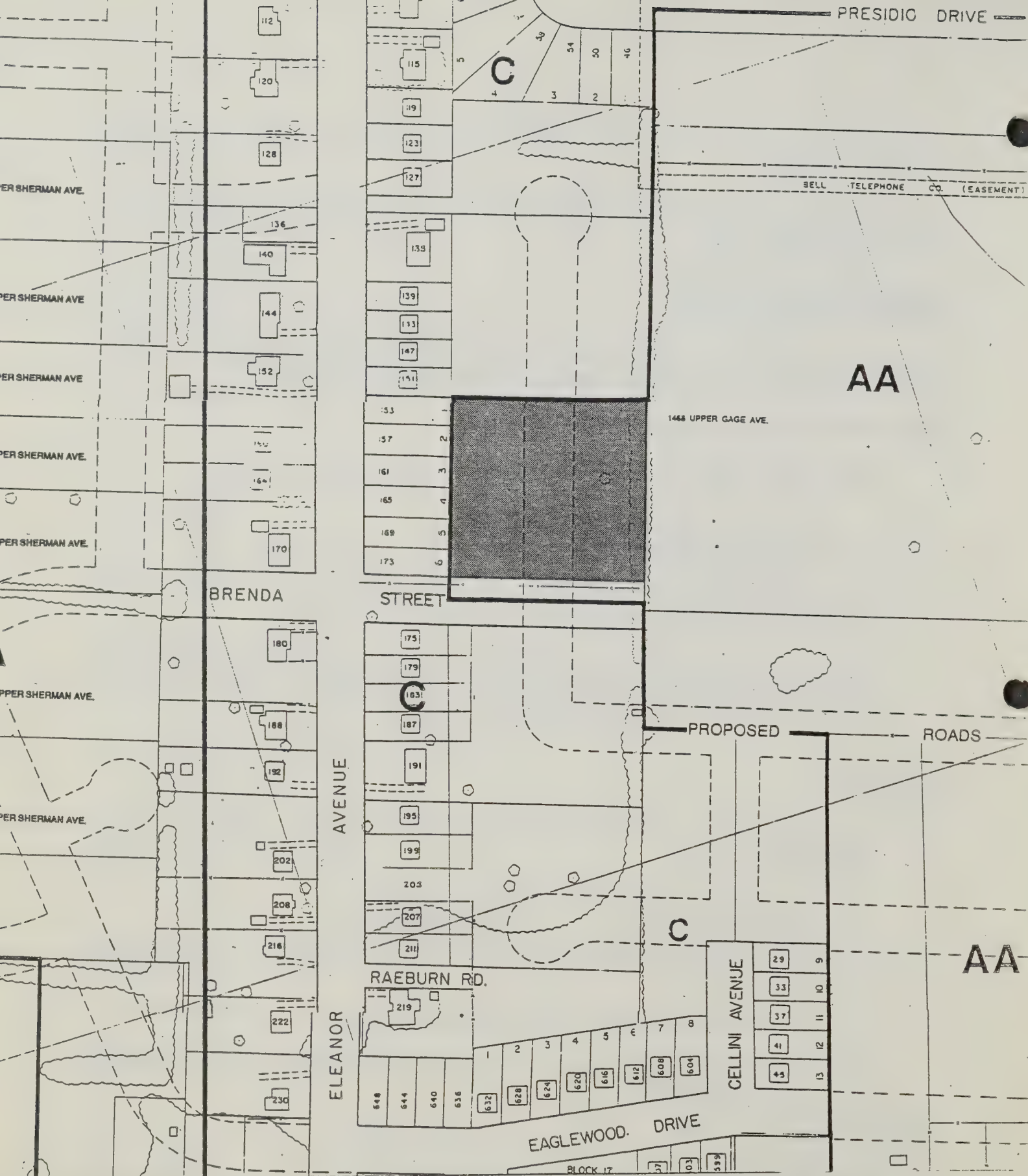
"There are public watermains and separate storm and sanitary sewers available at the intersection of Brenda Street and Eleanor Avenue. Internal servicing and related matters will be dealt with at the subdivision stage."

COMMENTS:

- 1) The proposal complies with the intent of the Official Plan and the approved Eleanor Neighbourhood Plan.
- 2) The proposal can be supported for the following reasons:
 - a) it is compatible with existing and future intended residential development in the surrounding area;
 - b) the zoning is appropriate for the intended use; and,
 - c) it implements the intent of both the Official Plan and the approved Neighbourhood Plan.

CONCLUSION:

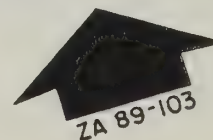
Based on the foregoing, the proposal can be supported.



Legend



Site of the Application



14.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: May 15, 1991
ZA-91-05
Gilkson Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

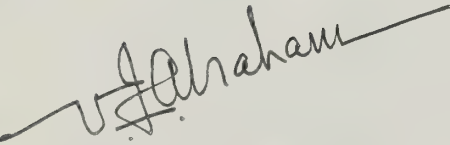
Request for a further modification of zoning - property at No. 44 Greendale Drive.

RECOMMENDATION:

That Zoning Application 91-05, Mr. L. Hochglaube and Mr. E. Bogomolny, owners requesting a further modification to the "C" (Urban Protected Residential, etc.) District regulations to reduce the capacity of the existing day nursery from 133 to 88 children and convert the resultant floor space, being approximately 250 m², to medical offices, for property located at No. 44 Greendale Drive, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- (i) it conflicts with the intent of the Official Plan, in that approval of the application would result in non-local traffic using the residential street (Greendale Drive) to access the site, thereby detracting from the RESIDENTIAL character of the area (e.g. increased traffic volumes, noise and potential over-flow on-street parking generated by the new additional use);
- (ii) it conflicts with the intent of the approved Gilkson Neighbourhood Plan which designates the site for "Civic and Institutional" use; and,

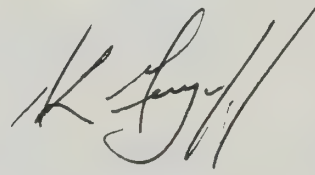
- (iii) approval of the application could encourage future applications to further reduce the size of the day nursery for additional medical office facilities, thereby changing the residential character of the neighbourhood by commercializing the property.



per J.D. Thoms, M.C.I.P.

Commissioner

Planning and Development Department



A.L. Georgieff, M.C.I.P.

Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the modification is to reduce the capacity of the existing day nursery from 133 to 88 children, and convert the resultant vacant floor space, being approximately 250 m², to medical offices (see APPENDIX "B").

- By-law 75-190

On June 24th 1975, City Council passed By-law 75-190 which provided for a change in zoning of the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. In addition, the By-law provided for the following variances:

- a) to permit a day nursery for the accommodation of not more than 200 children;
- b) to establish site plan control on the property.

• By-law 70-14

On January 13, 1970, City Council passed By-law 70-14 which rezoned adjoining lands to the north and west (now city owned lands) from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings, etc.) District. As a condition of the By-law, development of the lands was subject to submission of a registered plan of subdivision. In this regard, Block "0" was established as a sewer easement on the draft approved plan of subdivision and is owned by the City.

APPLICANT:

Mr. L. Hochglaube and Mr. E. Bogomolny, owners.

LOT SIZE AND AREA:

- 45.72 m (150.0 ft.) of lot frontage on Garth Street;
- 80.44 (293.90 ft.) of lot depth; and,
- 0.37 ha (0.91 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	1 storey building containing a day nursery for 133 children	"C" (Urban Protected Residential, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	vacant lands and proposed Red Hill Creek Expressway	"DE" (Low Density Multiple Dwellings) District, modified and "AA" (Agricultural) District

to the south	a single-family dwelling and townhouses	"DE" (Low Density Multiple Dwellings) District
to the east	townhouse development	"RT-10" (Townhouse) District, modified
to the west	townhouse development	"DE" (Low Density Multiple Dwellings) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept plan of the Official Plan and subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:
- i) Is situated on a major road;
 - ii) It appropriately located with respect to adjacent RESIDENTIAL USES;
 - iii) Will provide an acceptable amount of on-site parking; and,
 - iv) Will otherwise not detract from the character of the RESIDENTIAL area.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

- i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
- ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES."

Policy A.2.1.5 states that medical offices must be situated on a "major road". The subject lands are technically located on a through lot, having frontage on both Greendale Drive and Garth Street. The proposed site plan shows the medical offices having access drives onto both streets (Garth and Greendale). Garth Street is a major road, therefore, the proposal does meet the "major road" provision. However, policy A.2.1.5 also states that medical offices "will otherwise not detract from the character of the RESIDENTIAL area." The access onto Greendale Drive could detract from the RESIDENTIAL character of the neighbourhood, i.e. increased traffic, noise and on-street parking generated in the interior of the Neighbourhood.

The proposal would not require an amendment to the Official Plan. However, as previously noted, the access onto Greendale Drive would not comply with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated "CIVIC AND INSTITUTIONAL" on the approved Gilkson Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation from "CIVIC AND INSTITUTIONAL" to "COMMERCIAL".

COMMENTS RECEIVED:

- The Traffic Department has advised that:

"The Freeway Office has commented that the present restrictions of right turn in and right turn out only on the Garth Street access will remain after the completion of the freeway. The Committee should be advised that people coming from the south to the medical offices will be required to use an alternative route. This will result in non-local traffic using the residential street to access the west entrance of the medical offices."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

There are no road allowance widenings anticipated at this time.

Any works which may occur within either the Greendale Drive or Garth Street road allowances, must conform to their respective Streets/Roads By-law.

Comments from the Freeway Office should be obtained do to the close proximity of this site to the Freeway lands."

- The Freeway Project Office has advised that:

"We have reviewed the above zoning application and wish to advise that existing access to the development adjacent to Garth Street is restricted to right-in and right-out only. This is a result of an existing barrier median in the centre of Garth Street. The applicant is advised that during and after the construction of the Expressway, the Garth Street centre median will remain, and the turning movements to and from the property will remain as right-in and right-out."

- The Ministry of Community and Social Services has advised that:

"The present usage of the property at 44 Greendale Drive is a day nursery. The proposed zoning modification and the proposed usage of the property would reduce the licensed capacity of the day nursery to 88 children, from the present licensed capacity of 133 children. While we regret the potential loss of child care spaces, we can make no objection."

- The Hamilton-Wentworth Department of Social Services has advised that:

"Generally the close vicinity of medical services to Day Care Centres is encouraged. This provides for easy access to any medical need or emergency for the participating families.

For this proposal access to the area is somewhat awkward."

- The Building Department, the Hamilton Region Conservation Authority and The Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS:

1. The proposal would not require an amendment to the Official Plan. However, policy A.2.1.5 states that medical offices "will otherwise not detract from the character of the RESIDENTIAL area". In this regard, one of the accesses to the commercial medical office is via a local neighbourhood road (Greendale Drive) and, as such, would detract from the RESIDENTIAL character of the area by increased traffic, noise and potential over-flow on-street parking.
2. The proposal does not comply with the intent of the approved Gilkson Neighbourhood Plan. Approval of the application would require redesignation to "COMMERCIAL".
3. The proposal cannot be supported for the following reasons:
 - it conflicts with the intent of the Official Plan, in that one of the existing accesses to the site is provided via a local neighbourhood road (Greendale Drive) and, as such, would detract from the RESIDENTIAL character of the area (e.g. increased traffic volumes, noise and potential over-flow on-street parking generated by the new additional use).

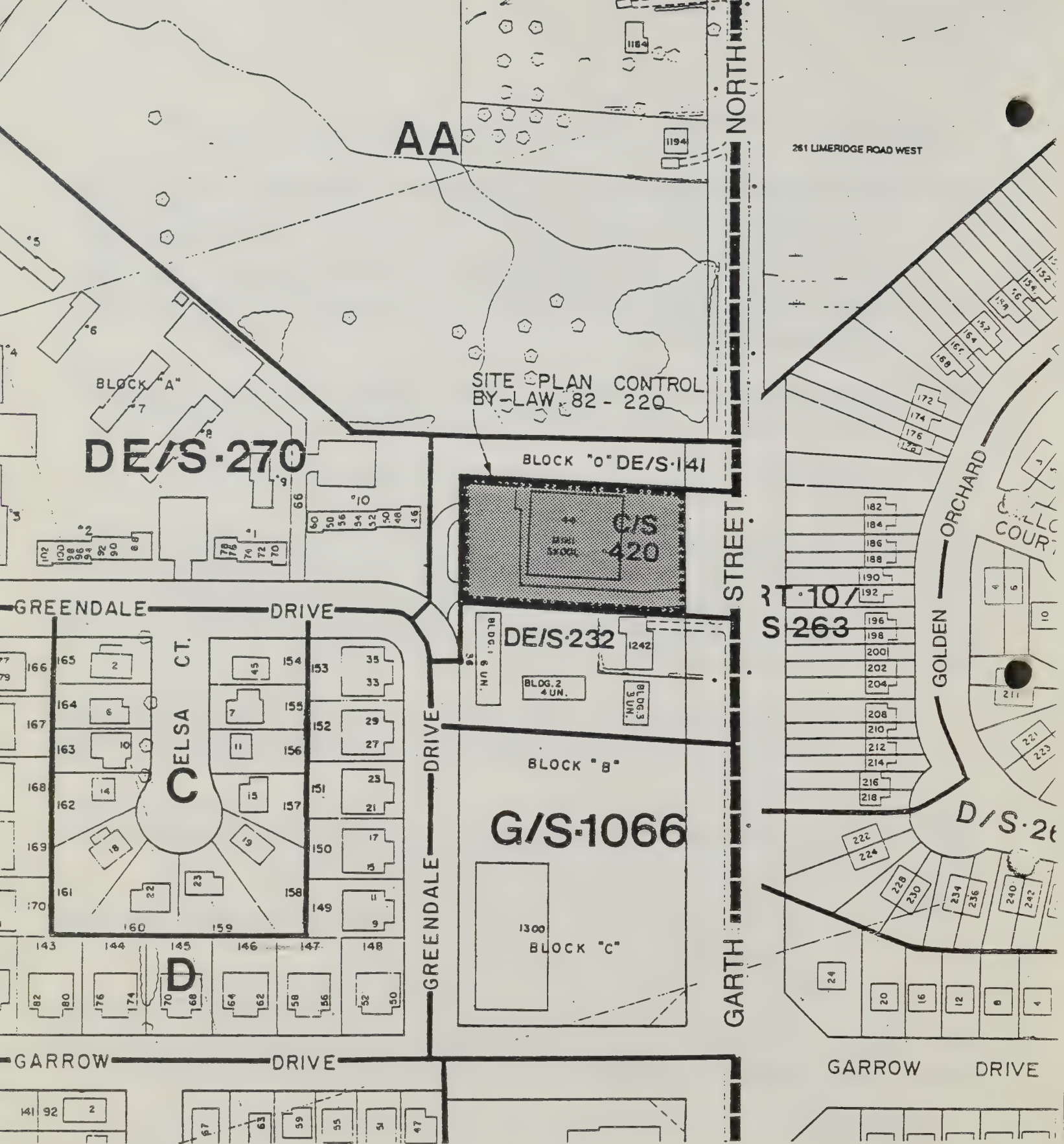
Although a second access is provided from Garth Street, the Traffic Department and Freeway Project Office have advised that this access is restricted to right-in and right-out only.

Accordingly, anyone coming from the south to the medical office would be required to use the residential street (Greendale Drive) for access;

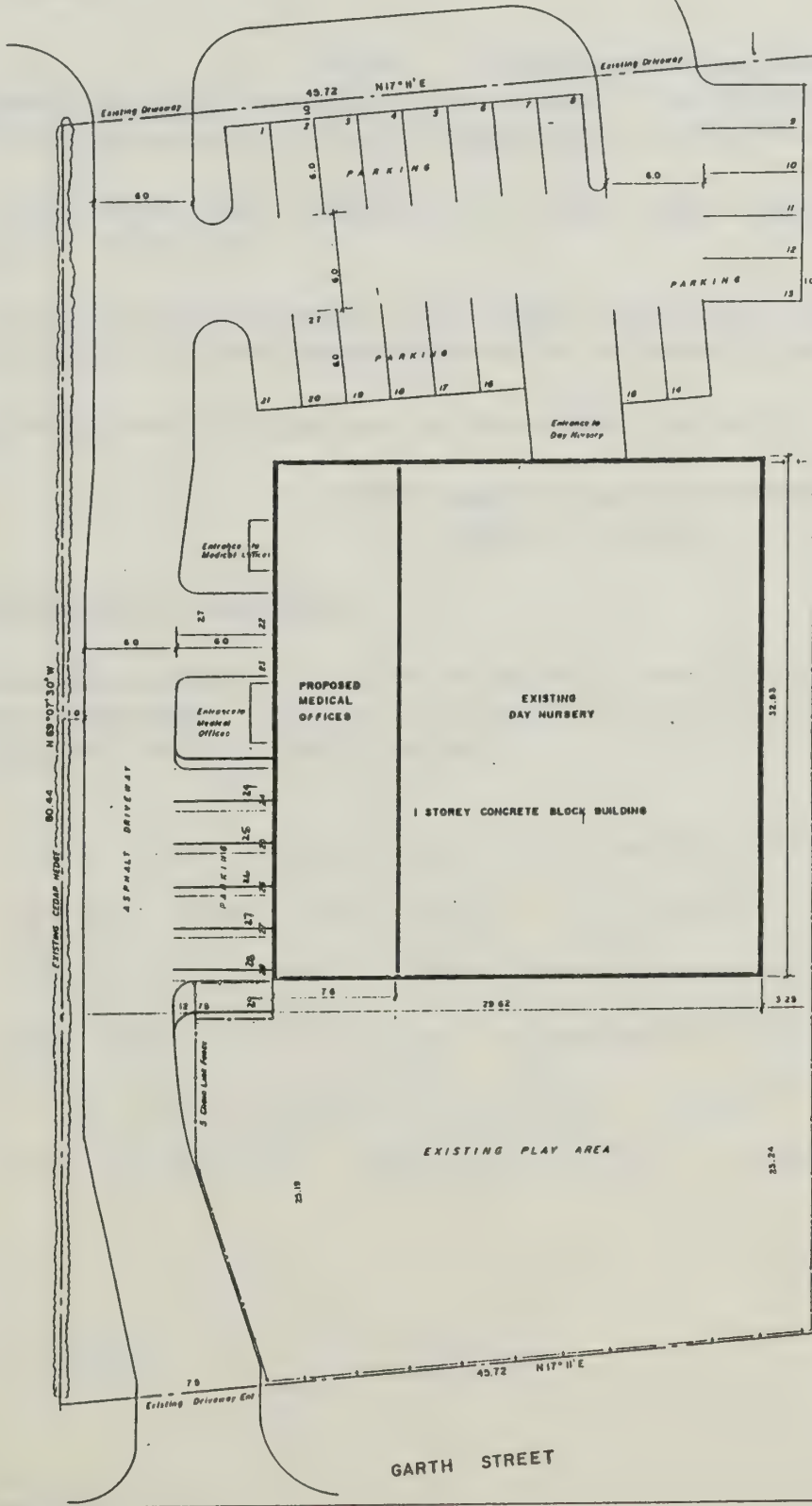
- it conflicts with the intent of the approved Gilkson Neighbourhood Plan which designates the site for "Civic and Institutional" use;
- approval of the application could encourage future applications to further reduce the size of the day nursery for additional medical office facilities, thereby changing the residential character of the neighbourhood by commercializing the property.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.



To Greendale Drive



SITE DATA

Total Site Area	0.37 ha. (0.91 ac.)	
Existing Day Nursery	725 ± s.m.	
Proposed Medical Offices	250 ± s.m.	
Parking	Required	Provided
Day Nursery (isp./6 students)	15	15
87 students		
Medical Offices (isp./19 s.m. of office)	13 1/4	13 1/4
Total	28 1/4	28 1/4



SITE PLAN

44 GREENDALE DRIVE

PROPOSED MEDICAL OFFICES

MACAULAY SHIOMI HOWSON LTD. December 1990
May 1991

At that time you will receive instructions as to formally submitting your support or objection to the City Clerk. Your objection must be registered if you wish to appear at any Ontario Municipal Board Hearing that may be held on

If you are not an owner of land and wish to receive a copy of the Notice you must request to the City Clerk.

You will be notified in due course of any Ontario Municipal Board Hearing if you object as set out above in accordance with the requirements of the Planning Act

Any further questions you may have can be answered by contacting:

Planning and Development Department
City Hall - 546-4221

RECEIVED

MAY - 3 1991

OFFICIAL PLAN AMENDMENT

CITY CLERKS

Occasionally, a proposed development will require an Official Plan Amendment (O.P.A.) as well as a Zoning Amendment. If the NOTICE indicates that an O.P.A. is required, please review the information on the reverse side of this page.

We have enough difficulty with parked cars in this area. There are only 21 parking places at the 44 Greendale and the four houses at 46 Greendale use the street for permanent parking places. We have difficulty getting around the bend at 44 Greendale especially in winter time.

Wm Reid 9 & 6 Reid
7 Elsa Court

May 22 meeting

15.

CITY OF HAMILTON
- RECOMMENDATION -

MAY 17 1991

DATE: May 16, 1991
(ZA-89-22 and ZA-89-23)
Mewburn (East) Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for changes in zoning - Nos. 1508, 1514 and 1530 Upper James Street.

RECOMMENDATION:

1. That approval be given to amended Zoning Applications 89-22 and 89-23, G. Fortino, U. Spagnuolo, S. Filice, M. and O. Presta, F. Carobelli, A. and L. Scornaienchi and G. Fortino, In Trust, owners for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"); from "AA" (Agricultural) District, modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District (Block "2"); from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District (Blocks "3" and "4"); and from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District (Block "5"), to permit townhouses on Block "1" and a retail commercial shopping plaza on Blocks 2, 3, 4 and 5, for properties at Nos. 1508, 1514 and 1530 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to Blocks "2", "3", "4" and "5" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of Blocks "2", "3", "4" and "5" until a site plan is approved for comprehensive development of the commercial.

Removal of the holding restriction shall be conditional upon the approval of a site plan for a comprehensive development of Blocks "2", "3", "4" and "5" and the site plan being registered on title of the land.

- ii) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- iii) That Block "2" be rezoned from "AA" (Agricultural) District, modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District;
- iv) That Blocks "3" and "4" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District;
- v) That Block "5" be rezoned from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District;
- vi) That the "G-1" (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to Blocks "2", "3", "4" and "5", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 13A(4), a minimum front yard of 6.0 m shall be provided and maintained for property at No. 1508 Upper James Street (Building "A" - APPENDIX "B");
 - b) That notwithstanding Section 13A(4), a front yard of a depth of at least 24 m shall be provided and maintained for property located at Nos. 1514 to 1530 Upper James Street (Building "B" - APPENDIX "B");
 - c) That notwithstanding Section 13A(4), a minimum northerly side yard of 3.0 shall be provided and maintained for property located at No. 1508 Upper James Street (Building "A" - APPENDIX "B");
 - d) That notwithstanding Section 13A(4), a minimum southerly side yard of 7.62 m shall be provided and maintained for property located at No. 1514 and 1530 Upper James Street (Building "B" - APPENDIX "B");

- e) That a minimum of 3.0 m wide landscaped area, excluding areas required for driveway accesses, shall be provided and maintained adjacent to the Upper James Street road allowance for Blocks "2", "3" and "4";
- f) That a minimum 6.0 m wide landscape strip and a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire westerly rear lot line of Block "5", and along that portion of the northerly side lot line of Block "5", which is distant 45.0 m from the north-westerly corner of Block "5";
- g) That a minimum 4.5 m wide landscape strip shall be provided and maintained along that portion of the southerly side property line of Block "1" which abuts the service driveway of adjoining land to the south within the "G-1" (Designed Shopping Centre) District;
- h) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire southerly and northerly side lot lines of Block "1";
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9D be notated S- ;
- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
- vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;
- viii) That the Mewburn (East) Neighbourhood Plan be amended by redesignating:

<u>Block "1"</u>	From: "Single and Double Residential"
(rear portion)	To: "Attached Housing"
(front portion)	From: "Commercial"
	To: "Attached Housing"

<u>Block "5"</u>	From: "Attached Housing"
(northwesterly corner)	To: "Commercial"

(middle portion)	From: "Neighbourhood Commercial"
	To: "Commercial"

and by establishing a 4.5 m (15.0 ft.) wide landscape strip along the southerly side property line between the proposed townhouse development and the service driveway for the commercial development to be established on adjoining lands to the south. The 6.0 m (20.0 ft.) wide landscape strip separating the proposed townhouse development from the proposed commercial development fronting onto Upper James Street, (between Blocks "1" and "5") must also be relocated.

2. That prior to the removal of the 'H' (Holding) symbol, the site plan be registered on title.

EXPLANATORY NOTE:

The amending By-law establishes the holding provisions of Section 35(1) of The Planning Act, R.S.O., by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Blocks "2", "3", "4" and "5" until a site plan is approved for a comprehensive development of the commercial blocks, as shown on the attached map. Removal of the holding restriction shall be conditional upon the approval of a site plan for these Blocks, and the passage of an amending By-law to removal the 'H' symbol, and thereby giving effect to the "G-1" District provisions.

The purpose of this By-law is to provide for changes in zoning for properties located at Nos. 1508, 1514 - 1530 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Block "1" - change from "AA" (Agricultural) District to "RT-20" - (Townhouse-Maisonette) District;
- Block "2" - Change from "AA" (Agricultural) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District;

Blocks "3"- Change from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H'
and "4" (Designed Shopping Centre - Holding) District;

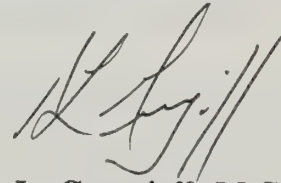
Block "5" - Change from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping
Centre - Holding) District.

The effect of the By-law is to permit future development of Block "1" for townhouses, and
Blocks "2", "3", "4" and "5" for a retail shopping plaza.

In addition, the By-law provides for the following variances as special requirements:

- To permit a minimum front yard of 6.0 m for Building "A", for property at No. 1508 Upper James Street;
- To require a minimum front yard of 24.0 m for Building "B", for properties located at Nos. 1514 and 1530 Upper James Street;
- To permit minimum side yards of 3.0 m for Building "A" and 7.62 m for Building "B", for properties at Nos. 1508, 1514 and 1530 Upper James Street;
- To require a minimum 3.0 m wide landscaped area, excluding areas required for driveway accesses, to be provided and maintained adjacent to the Upper James Street road allowance, for Blocks "2", "3" and "4";
- To require a minimum 6.0 m wide landscape strip to be provided and maintained along the entire westerly rear lot line of Block "5", and along that portion of the northerly side lot line of Block "5" which is distant 45.0 m from the northwesterly corner of Block "5";
- To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the 6.0 m wide landscape strips required to be provided and maintained on Block "5";
- To require a minimum 4.5 m wide landscape strip to be provided and maintained along that portion of the southerly side property line of Block "1" which abuts the service driveway of adjoining lands to the south;

- To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the entire southerly and northerly side lot lines of Block "1".



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Current Proposal

It is the applicant's intention to develop the subject lands for townhouses, (Block "1"), and for a retail commercial plaza on Blocks "2", "3", "4" and "5". The applicant has submitted a revised site plan showing details of the development (see APPENDIX "B"). The revised site plan was prepared after consultation with the Planning and Development Department to resolve issues respecting changes to the Mewburn (East) Neighbourhood Plan and the joint development of lands as they relate to the Upper James Street Corridor Urban Design Guidelines.

- Previous Proposal

At its meeting held on October 11, 1989, the Planning and Development Committee tabled the previous proposal to permit retail commercial shopping plazas on lands at Nos. 1508, 1514 and 1530 Upper James Street. The Planning and Development Department recommended APPROVAL of Zoning Application 89-22 as it implemented the intent of the Official Plan and the approved Mewburn (East) Neighbourhood Plan. Zoning Application 89-23 was recommended for DENIAL on the grounds that it

Zoning Application 89-23 was recommended for DENIAL on the grounds that it conflicted with the intent of the Official Plan, in that the proposal was for highway commercial type uses as opposed to neighbourhood type commercial uses specified in the approved Mewburn (East) Neighbourhood Plan for facilities at the intersection of the proposed neighbourhood collector road and Upper James Street. In addition, it conflicted with the Upper James Street Urban Design Guidelines, in that:

- the depth of the proposed commercial development exceeded that established by the Urban design Guidelines;
- the neighbourhood commercial site requires a minimum lot frontage of 90 m (300 ft.) on Upper James Street, whereas the application involved only 35.81 m (117.5 ft.) of lot frontage;
- the entire area proposed for Neighbourhood Commercial uses was to be developed as a whole to ensure appropriate design, whereas only part of the designated area were proposed to be developed.

APPLICANTS:

G. Fortino, U. Spagnuolo, S. Filice, M. and O. Presta, F. Carobelli, A. and L. Scornaienchi and G. Fortino, In Trust, owners.

LOT SIZE AND AREA:

An irregular shaped parcel of land having:

- 111.454 m (365.70 ft.) of lot frontage on Upper James Street;
- 221.27 m (725.96 ft.) of lot depth (average); and,
- 2.83 ha (7.00 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Garden centre/nursery, fruit and vegetable market, and three single-family dwellings	"AA" (Agricultural) District, "AA" (Agricultural) District, modified and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Single-family dwelling and a car dealership	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District, modified
to the south	Vacant	"G-1" (Designed Shopping Centre) District, modified
to the east	Single family dwellings, a non-conforming warehouse and public hall	"G" (Neighbourhood Shopping Centre, etc.) District, modified
to the west	Single family dwellings and vacant land	"AA" (Agricultural) District

OFFICIAL PLAN:

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and located within "SPECIAL POLICY AREA 31b" on Schedule "B" - SPECIAL POLICY AREAS. A portion of 1187 and 1193 West Fifth Street is designated RESIDENTIAL.

The following policies, among others, would apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of

goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
 - c) satisfy the provisions of Subsections A.2.1 and C.7.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2..

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually-managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile-borne trade. It includes:

- (ii) Larger-scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.9.3.26 In keeping with the provisions of Subsection A.2.2 Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31 (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A", the following will apply.

- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.
- ii) In keeping with clause (i) above, three sub-areas are identified to provide the following uses within the Special Policy Area:
 - b) In Area "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18.
 - c) In Areas "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).
- iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this AREA will consider the following:
 - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
 - a) Minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or

transitional area which may include landscaping, berming and/or fencing;

- b) Providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
- c) Ensuring in Areas 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting neighbourhoods and, continuous pedestrian linkage between commercial developments.
- v) To ensure co-ordinated approach in the development of Special Policy Areas 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property-owners regarding such matters as, access, parking, architectural quality and design, and landscaping."

Although the "COMMERCIAL" designation permits the "RESIDENTIAL" use of land, it would be appropriate to redesignate the lands proposed for townhouses to "RESIDENTIAL" in the Official Plan. This can be done as a "housekeeping" amendment.

NEIGHBOURHOOD PLAN:

The subject lands are designated in part "SINGLE AND DOUBLE RESIDENTIAL", "ATTACHED HOUSING", "COMMERCIAL" and "NEIGHBOURHOOD COMMERCIAL" on the approved Mewburn (East) Neighbourhood Plan.

Approval of the application would require the following changes to the plan:

<u>Block "1"</u> (rear portion)	From:	"SINGLE AND DOUBLE RESIDENTIAL"
	To:	"ATTACHED HOUSING"
(front portion)	From:	"COMMERCIAL"
	To:	"ATTACHED HOUSING"
<u>Block "5"</u> (northwesterly corner)	From:	"ATTACHED HOUSING"
	To:	"COMMERCIAL"

(middle portion) From: "NEIGHBOURHOOD COMMERCIAL"
 To: "COMMERCIAL"

In addition, a minimum 4.5 m (15.0 ft.) wide landscape strip should be established along the southerly side property line between the proposed townhouse development and the service driveway for the commercial development be established on adjoining lands to the south. The 6.0 m (20.0 ft.) wide landscape strip separating the proposed townhouse development from the proposed commercial development fronting onto Upper James Street (between Blocks "1" and "5") must also be relocated.

UPPER JAMES STREET CORRIDOR URBAN DESIGN GUIDELINES:

The subject lands are designated "NEIGHBOURHOOD COMMERCIAL" and "COMMERCIAL" in the Urban Design Guidelines.

The Guidelines include:

Neighbourhood Commercial

- a lot depth of 130 m (425.0 ft.) along collector road;
- entire area to be developed as a whole, to ensure appropriate design;
- frontage of 90 m (300 ft.) on Upper James Street.
- angular strip plazas, with frontage on both Upper James Street and the mid-block collector road;
- a triangular open area reserved for pedestrians on the front corner, approximately 310 sq. m. (11,000 sq.ft.) in size on each corner;
- parking area located to the rear of the plazas;

Commercial

- A minimum lot depth of 90 m (300 ft.).
- A minimum lot frontage of 30 m (100 ft.)
- A 3m (10 ft.) landscaping strip along the front property line of Upper James.
- A front service road to the rear of the landscaping strip, 21 m (70 ft.) in depth, which will include:
 - 2 rows of parking spaces, on the east and west sides.
 - a traffic laneway running north-south between the parking spaces.
- Fronts of commercial buildings located 24 m (80 ft.) from the front property line with variable building depth.

The features of the Urban Design Guidelines will be implemented at the site plan approval stage of development.

COMMENTS RECEIVED

- The Building Department has advised that:

"A very preliminary review of this first proposal indicates the following:

1. A front yard setback of 11.0 m (36.09') is required off Upper James. Shown is 20'-0" on one building.
2. A side yard setback of 9.0 m (29.53') is required on the north and south sides of the commercial development. Shown is 25'0" on the south.
3. The required parking for the plaza will be 235 cars, shown is 199 cars.

All other comments will be made when the plan is sent to us in the form of a development agreement."

- The Traffic Department has advised that:

"We support the principle of developing the above subject land under a RT-20 (Townhouse & Maisonette) District. However, the zoning application should not be approved until the alignment of West 5th Street has been finalized in the Mewburn West Neighbourhood Plan and the zoning of the adjacent northerly land has been determined.

The application to develop the above subject lands under a "G-1" (Designed Shopping Centre) District is acceptable subject to site plan approval.

The "G-1" District must be developed in conjunction with the commercial land immediately north. A mutual right-of-way must be established between the properties, from the Upper James Street accesses and the access to the future collector roadway. The mutual right-of-way will allow both properties direct access to Upper James Street and the collector roadway. The intersection of Upper James Street and the collector roadway is a future signal location.

The centre access to Upper James Street will be designated as a left and right in/right out access.

The southerly access to Upper James must be developed as a mutual right-of-way with the adjacent southerly property (DA-90-102 South Hamilton Square). This access must be controlled for a minimum of 23 metres from the property line. This access will be used primarily to service the loading areas for both developments."

- The Hamilton-Wentworth Engineering Department has advised that:

"Our previous comments, dated May 24, 1989, are still applicable to the applications (see APPENDIX "C").

In addition, the designated road allowance width of West 5th Street is 20.12 m. There are no road allowance widenings anticipated at this time."

- The Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Mewburn (East) Neighbourhood Plan. As the proposal provides for a combination of "Neighbourhood Commercial" and "Commercial" development as well as a townhouse development, it would require the following redesignations to portions of the site:

<u>Block "1"</u>	From:	"SINGLE AND DOUBLE RESIDENTIAL"
(rear portion)	To:	"ATTACHED HOUSING"

(front portion)	From:	"COMMERCIAL"
	To:	"ATTACHED HOUSING"

<u>Block "5"</u>	From:	"ATTACHED HOUSING"
(northwesterly corner)	To:	"COMMERCIAL"

(middle portion)	From:	"NEIGHBOURHOOD COMMERCIAL"
	To:	"COMMERCIAL"

The revised site plan submitted by the applicant (see APPENDIX "B") for the most part implements the intent of both the Mewburn (East) Neighbourhood Plan, and as well, the basic principals of the Upper James Street Corridor Urban Design Guidelines. The plan evolved as a result of on-going discussions between the applicant and the Planning and Development Department, and is considered an acceptable alternative to the previous proposal. It provides for the option of developing the site on its own, or in conjunction with adjoining lands to the north and west at some future date. The application can be supported for the following reasons:

- it would be compatible with existing and proposed commercial development contemplated in this area;
- it is suitably located on a major arterial road;

- it is readily accessible to public transit along Upper James Street;
- it will facilitate a comprehensive development of the subject lands;
- the proposed townhouse development provides for an acceptable alternative form of housing, and it will serve as a transitional use between the commercial development to the south and east, and the established/proposed single-family development to the north and west.

3. The Building Department has reviewed the preliminary site plan and have noted the following variances:

<u>Front Yard</u>	<u>Required</u>	<u>Proposed</u>
Building "A"	11.0 m	6.0 m
<u>Side Yard</u>		
Building "A" northerly side	9.0 m	3.0 m
Building "B" southerly side	9.0 m	7.62 m
<u>Parking Space</u>	235	199

The northerly side yard variance is considered to be minor in nature as the side yard for Building "A" will facilitate neighbourhood type commercial uses grouped around the intersection of Upper James Street and the proposed neighbourhood entrance road (see APPENDIX "B") in keeping with the intent of the Upper James Street Urban Development Design Guidelines.

The southerly side yard variance (1.38 m (4.52 ft.)) is considered minor in nature as the proposed building will adjoin a common service driveway having a width of approximately 18.38 m (60.0 ft.).

The proposal to reduce the total number of required parking spaces by 36 spaces (235-199) represents a 15% reduction which cannot be supported.

4. The requested "RT-20" (Townhouse-Maisonette) District would be the appropriate zone for the proposed townhouse development of Block "1", and the "G-1" (Designed Shopping Centre) District would be appropriate for the development of Blocks "2", "3", "4" and "5". The amending By-law will incorporate the necessary variances and the applicable Urban Design Guideline requirements for the Upper James Street Corridor. To ensure a comprehensive redevelopment of Blocks "2" to "5", it would be appropriate that the lands be subject to Section 35(1) of The Planning Act, R.S.O., whereby Council may, in a By-law, use a holding symbol 'H' in conjunction with any zoning district and specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law. The purpose of the 'H' holding symbol, as applied to the development of Blocks "2", "3", "4" and "5" would be to require the approval of a site plan for a comprehensive redevelopment of the comercial lands.

The Traffic Department has indicated they wish to have Blocks "2" to "5" and the lands to the north developed in tandem so mutual accesses between the developments can be achieved. The preliminary design, submitted by the applicant, indicates that mutual right-of-ways will be provided between the subject lands and the lands to the north. Through the application of site plan control, future access between the subject lands and the lands to the north will be provided. To ensure mutual accesses are provided the site plan should be registered on the title of the land.

For the information of the Committee, the applicant's agent has advised that negotiations are underway to develop the subject lands with adjoining lands to the north.

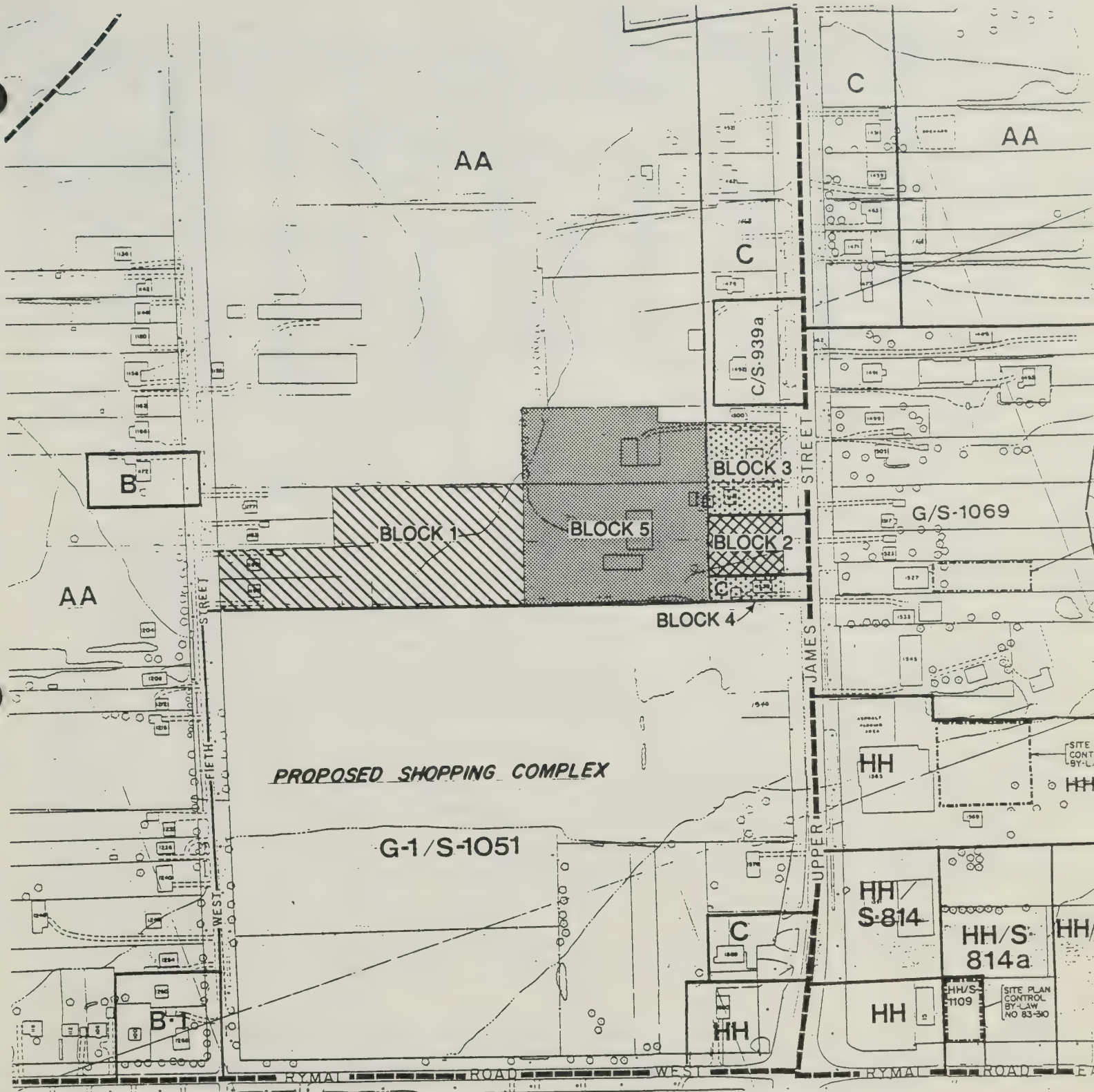
5. In accordance with the approved Mewburn (East) Neighbourhood Plan, the amending By-law will provide for the required 6.0 m (20.0 ft.) wide landscaped strip between the proposed townhouse development and the proposed commercial development fronting onto Upper James Street. A minimum 1.2 m to 2.0 m high visual barrier will also be required to be provided and maintained within the landscape strip.
6. A minimum 4.5 m (15.0 ft.) wide landscape strip and a minimum 1.2 m to 2.0 m high visual barrier should be provided and maintained along that portion of the southerly side property line between the proposed townhouse development and the service driveway for the future commercial development on the lands to the south.

7. Development of the lands within the "RT-20" (Townhouse-Maisonette) District and the "G-1" (Designed Shopping Centre) District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. Matters such as landscaping, fencing, grading, parking, loading signage, etc., including the Urban Design Guidelines will be further reviewed at the site plan approval stage of development.

CONCLUSION:





On the basis of the foregoing, the application as amended can be supported.

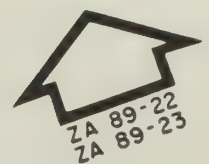
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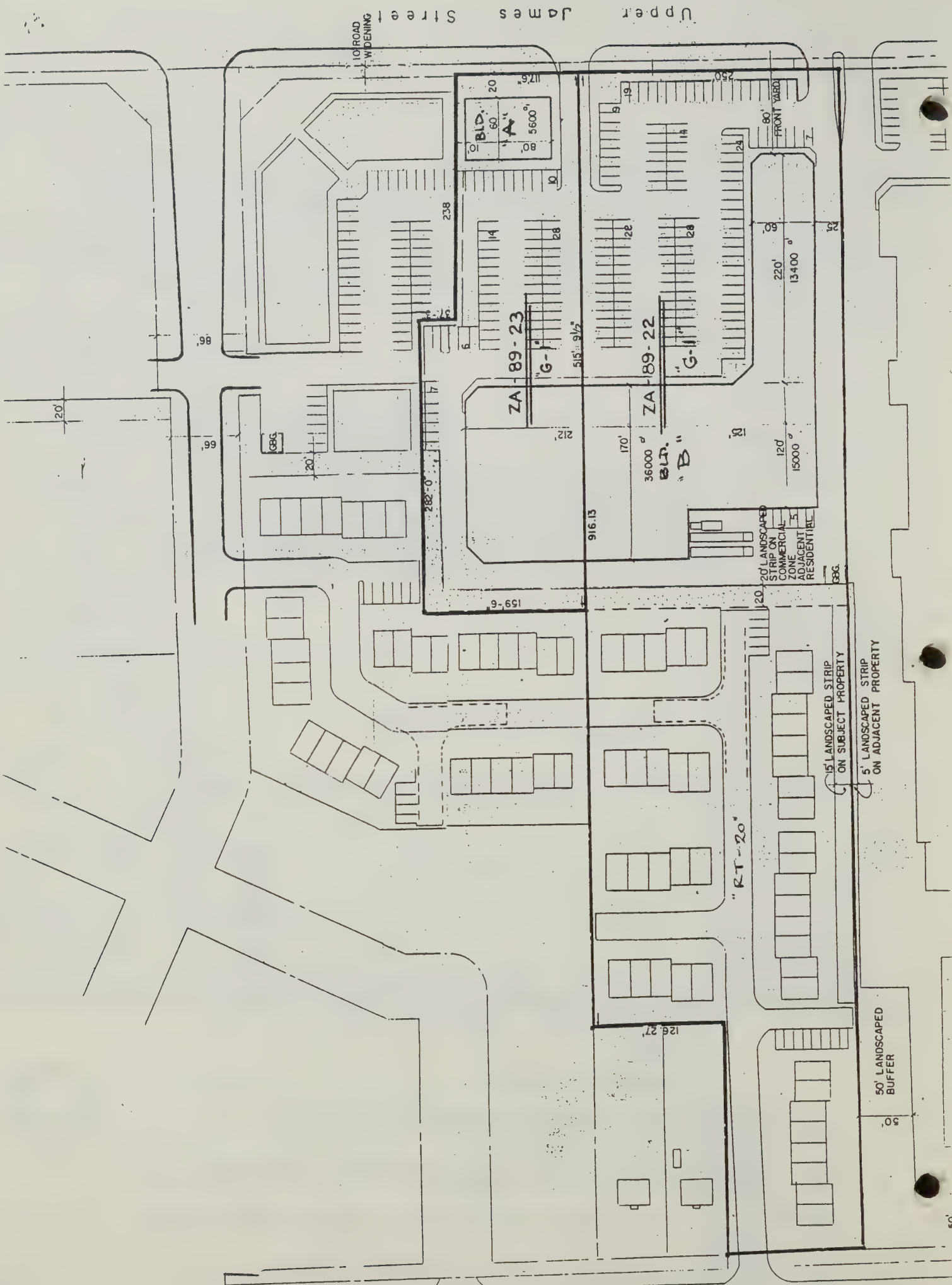


Legend

Proposed change in zoning from:

- | | | |
|--------------|---|--|
| BLOCK 1 |  | "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District. |
| BLOCK 2 |  | "AA" (Agricultural) District, Modified to "G-1" (Designed Shopping Centre) District. |
| BLOCKS 3 & 4 |  | "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District. |
| BLOCK 5 |  | "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District. |







THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

ID#0245

Refer to File No. E220-1303
Attention of F. Rysanek
Your File No. ZA-89-22

May 24, 1989

TO: P. D. Mallard, Planning Department
FROM: K. A. Brenner, Engineering Department
RE: ZA-89-22 for a change in zoning from "AA" & "AA" modified
and "C" District to "HH" District for properties at
1514-1530 Upper James Street

Please be advised that public watermain as well as Storm and sanitary sewers are available on Upper James to service the subject lands.

The designated road allowance width of Upper James Street is 36.58m (120 feet). In accordance with this designation it appears that a portion of the required road allowance widening was acquired by the Region. Therefore as a condition of development approval, sufficient lands should be dedicated to the Region to establish the property line 18.29m (60 feet) from the centreline of the original Upper James Street.

Any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-Law.

We advise that as detailed site plans are submitted, we will determine whether roadway improvements on Upper James Street are required and if so, these improvements will be the responsibility of the applicant/owner.

We have no objection to the development of commercial designated areas as shown on the approved Mewburn Neighborhood plan but recommend that site plans be prepared prior to the final zoning approval. In accordance with the Upper James Street commercial study, we recommend that common access from this property and lands to the south and north be investigated to minimize the number of access points on Upper James and to provide the availability of all turning movements at these points to Upper James Street.

Once these preliminary site plans have been submitted, we can determine the location of accesses and the location of rights of ways between the properties.

APPENDIX C



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

ID#0245

Refer to File No.

E220-1303

Attention of

F. Rysanek

Your File No.

ZA-89-23

May 24, 1989

TO: P. D. Mallard, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: ZA-89-23 for a change in zoning from "AA" and "C" District to "HH" District for property at 1508 Upper James Street

Please be advised that public watermains as well as storm and sanitary sewers are available on Upper James to service the subject lands.

The designated road allowance width of Upper James Street is 36.58m (120 feet). In accordance with this designation it appears that a portion of the required road allowance widening was acquired by the Region. Therefore as a condition of zoning change approval, sufficient lands should be dedicated to the Region to establish the property line 18.29m (60 feet) from the centreline of the original Upper James Street road allowance.

Any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-Law.

We advise that when detailed site plans are submitted, we will determine whether roadway improvements on Upper James Street are required and if so, these improvements will be the responsibility of the applicant/owner.

We have no objection to the development of commercial designated areas as shown on the approved Mewburn Neighborhood plan but recommend that site plans be prepared prior to the final zoning approval. In accordance with the Upper James Street commercial study, we recommend that common access from this property and lands to the south be investigated to minimize the number of access points on Upper James and to provide the availability of all turning movements at these points to Upper James Street.

Once these preliminary site plans have been submitted, we can determine the location of accesses and the location of rights of ways between the properties required to be included in the zoning report.

K. A. Brenner
K. A. Brenner

APPENDIX C

16.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 May 15
ZA-91-06; Stipeley Neighbourhood

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

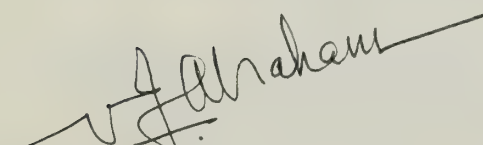
FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

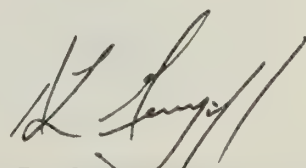
SUBJECT: Request for a modification in zoning - No. 21 Lottridge Street.

RECOMMENDATION:

That Zoning Application 91-06, Maria and Labros Spandonidis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit conversion of the existing building to a two-family dwelling, for property located at No. 21 Lottridge Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) it conflicts with the intent of the Official Plan;
- ii) it is an overintensification of land use in that no on-site parking can be supplied whereas two parking spaces are required. Further, the application conflicts with the intent of the Zoning By-law in that the property does not meet the minimum lot area requirement for a converted dwelling. Lastly, an addition was constructed to increase the cubic contents of the building, contrary to Section 19(ii) of the Zoning By-law; and,
- iii) approval of the application would encourage other similar applications which, if approved, would alter the character of the area.


per J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicants are requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the establishment of a two-family dwelling in the existing building which is currently vacant. The proposed dwelling units would have 66.9m² and 90.6m² of floor area. There are no legal parking spaces on the site. An addition was constructed on the building to facilitate the conversion. In addition, the applicants are requesting variances to reduce the north side and rear yards (see APPENDICES "B" and "C" for applicants submissions).

- Zoning Application 89-24 - 21 Lottridge Street

At its meeting of May 10, 1989, the Planning and Development Committee denied this application which was a request for a modification in zoning to convert the existing two-family dwelling to a three-family dwelling, on the following basis:

- "(a) it represents an intrusion of a three-family dwelling into an area occupied primarily by one and two-family dwellings;
- (b) it represents an over-intensification of use, in that the property does not meet the minimum lot area requirement for a converted dwelling. The minimum lot area requirement is 270.0m² whereas the property only has 173.11m². Furthermore, the proposed three dwelling units, which range in floor area from approximately 35.58m² to a maximum of 52.69m², do not provide the minimum 65.0m² of floor area for a Class A Dwelling Unit;
- (c) the cubic contents of the second floor of the dwelling were enlarged to facilitate conversion contrary to Section 19(ii) of Zoning By-law No. 6593;
- (d) Approval of the application would establish an undesirable precedent and set the stage for other land owners to convert their dwellings; and,
- (e) adequate parking cannot be provided for the proposed use. In this regard, no off-street parking is available for the current use, whereas a total of 4 off-street parking spaces are required for the proposed three-family dwelling."

City Council, at its meeting of May 30, 1989, adopted the recommendation of the Planning and Development Committee.

- Committee of Adjustment Application A-258-89 - 21 Lottridge Street

At its meeting of September 20, 1989, the Committee of Adjustment denied this application for variances from the established "C" (Urban Protected Residential, etc.) District regulations to permit the establishment of a converted two-family dwelling at No. 21 Lottridge Street. The application was denied for the following reasons:

"The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983."

The applicants have appealed the decision of the Committee of Adjustment to the Ontario Municipal Board and the hearing is scheduled for August 21, 1991.

- Committee of Adjustment Application A-64-91 - 23 Lottridge Street

This application was submitted to the Committee of Adjustment to permit the existing converted two-family dwelling to continue to be maintained with the following variances from the By-law: i) a lot area of at least 171.95m² instead of 270.0m²; and ii) there is no provision on the lot for 2 car parking spaces.

At its meeting of May 1, 1990, the Committee of Adjustment denied this application, for the following reasons:

"The Committee is of the opinion that such development is an overintense use of the lands.

The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983."

APPLICANTS:

Maria and Labros Spandonidis, owners.

LOT SIZE AND AREA:

The subject lands have:

- 8.13 m (26.67 feet) of lot frontage on Lottridge Street;
- 21.23 m (69.86 feet) of lot depth; and,
- 173.11 m² (1,863.45 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	one and two-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	two and three-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	one and two-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	one and two-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;"

The proposal represents an intrusion of a two-family dwelling into an area that is characterized by single-family homes. The applicants have advised that they are not able to provide the minimum parking required under the City's Zoning By-law. Therefore, the proposal does not comply with the intent of the Official Plan. However, if the application were to be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Stipeley Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

COMMENTS RECEIVED:

- The following agency has no comment or objection:
 - Hamilton Region Conservation Authority.
- The Building Department has advised that:
 - "1. The lot area is only 173.08m² instead of the required 270.0m².
 2. The second storey addition increases the cubic content which contravenes Section 19.(ii) of Zoning By-law No. 6593.
 3. A two-family dwelling requires two (2) parking spaces on site.
 4. The second storey rear addition does not provide the minimum 1.2m southerly side yard and the 7.5m rear yard. The proposed yards are: 0.73m southerly side yard and 7.01m rear yard.
 5. The open stairway does not provide the minimum 0.8m northerly side yard and the rear yard of 6.5m. The proposed yards are 0.61m and rear yard of 5.33m.

6. A building permit approval shall be obtained from this Department to convert the existing building to a two-family dwelling."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. Any works which may occur within the Lottridge Street road allowance must conform to the City of Hamilton Streets By-law."

- The Traffic Department has advised that:

"By not supplying the two required parking spaces on-site, there may be parking spillover onto the adjacent streets. On-street parking is already heavily utilized in this area."

COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. However, if the application were to be approved, an Official Plan Amendment would not be required.
2. The proposal does not conflict with the intent of the approved Stipeley Neighbourhood Plan.
3. The proposal cannot be supported for the following reasons:
 - i) it conflicts with the intent of the Official Plan;
 - ii) it is an overintensification of land use in that no on-site parking can be supplied whereas two parking spaces are required. Further, the application conflicts with the intent of the Zoning By-law in that the property does not meet the minimum lot area requirement for a converted dwelling. The subject lot has 173.11m² of lot area whereas the By-law requires 270.0m² of lot area. Lastly, an addition was constructed to increase the cubic contents of the building, contrary to Section 19(ii) of the Zoning By-law; and,
 - iii) approval of the application would encourage other similar applications which, if approved, would alter the character of the area.
4. As part of their submission, the applicants have stated that the building has been used as a two-family dwelling for 25 years. The Building Department has verbally advised that the building must have been used continuously as a two-family dwelling since prior to July 25, 1950 in order to be established as legally non-conforming.
5. For the information of the Committee, the assessment records indicate that there are six converted dwellings in this area of Lottridge Street (between Cannon Street East and King Street). The Building Department has advised that of these six converted

dwellings, five are established as legally non-conforming. The sixth is 23 Lottridge Street which was recently denied variances by the Committee of Adjustment to legalize the conversion.

6. Should the application be denied, the applicants request for variances to the required yards for the addition and the stairway could more appropriately be considered by the Committee of Adjustment.

CONCLUSION:

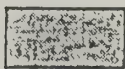
On the basis of the foregoing, the application cannot be supported.

MLT:ma
WPZA9106



A/S
6832

Legend



Site of the Application

2A 91-06



APPENDIX A

SCHEDULE 'A'

SPANDONIDIS ZONING BY-LAW AMENDMENT APPLICATION
21 Lottridge Street
Hamilton, Ontario

"C" Districts, pursuant to Section 9.(1)(ii), permit a converted dwelling, containing two Class A dwelling units. However, a site specific amendment is required to exempt the subject lands from certain requirements and provisions of the Zoning By-law applicable to this property. Specifically, the amendment would include the following:-

- a) to permit the existing lot containing 173 square metres to have two dwelling units;
- b) to exempt the lot from provision of two car parking spaces;
- c) to reduce the southerly side yard to 0.73m and rear yard to 7.01m for a second storey addition;
- d) to permit the stairway and landing to be 0.61m to the north side lot line and 5.33m to the rear lot line; and
- e) to permit the second storey addition as constructed.

Please refer to Figure 1 for details.

PART 8

JUSTIFICATION OF REQUEST

1. The subject property has been used and assessed for 25 years as a two-family residence, and it is situated between a two-family dwelling to the north and a three-family dwelling to the south.
2. The minimum lot area for a converted dwelling can be met by only one lot (15 Lottridge St.) of 46 lots surveyed in this area. There are 11 two-family (other than the subject lot) and 2 three-family dwellings in this area and only the nearby 15 Lottridge St. with two families meet the minimum lot area. The 2 three-family dwellings have less than the minimum lot area.
3. Other dwellings have been converted and do not have off-street parking spaces, e.g. 23 and 29 Lottridge Street. A few have converted and have front yard parking which is prohibited by the By-law. The dwellings are generally too close to each other to permit a vehicle to pass through to the rear yard. On street parking is available, however, the solution ultimately is to provide neighbourhood parking lots.
4. The addition to the second storey only reduced the existing rear yard by 2.6 feet. Since the neighbouring properties also have stairways to the second storey at the rear, the reduction in the rear yard requirement is unlikely to cause any detrimental effect. The side-yard reductions that are requested are 0.6 ft less on the north side and 1.5 ft. less on the south side. The southerly side-yard of the dwelling is 1.5 less than the minimum and the addition is in line with the southerly wall of the dwelling.

17.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 May 9
ZA-91-11
Glenview East Neighbourhood

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

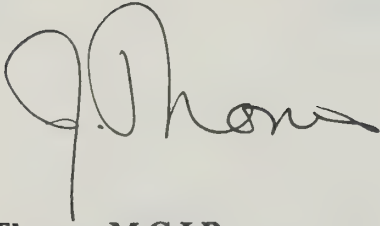
FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 324 Queenston Road.

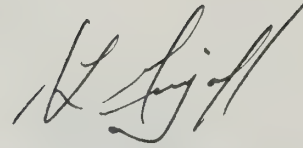
RECOMMENDATION:

That Zoning Application 91-11, 829145 Ontario, Inc. (M. Lulgjuraj), owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a billiard room on the ground floor of the existing building located at Nos. 324 Queenston Road, as shown on the attached map marked as APPENDIX "A" be **DENIED** for the following reasons:

- i) It conflicts with the intent of the Official Plan and represents an over-intensification of land use, in that six parking spaces are required and no legal parking spaces can be provided. Further, the Traffic Department has advised that approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area.
- ii) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms from the "H" District due to nuisance factors and spill-over effects associated with such uses (e.g. noise, parking, headlight glare, etc.) on adjoining residential areas.
- iii) It is an incompatible land use with the adjoining single-family homes to the south. Further, the subject lands are in close proximity to three schools with the closest being one block to the south.
- iv) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.



**J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department**



**A.L. Georgieff, M.C.I.P.
Director - Local Planning**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicants intention to convert the ground floor of the existing building to a billiard room. There are no legal parking spaces on the site.

- By-law 78-184

On July 28, 1978, City Council passed By-law No. 78-184 which removed, among other uses, billiard rooms as a permitted use within the "H" (Community Shopping and Commercial, etc.) District as there are spill-over effects from these uses which include: noise, on-street parking, and headlight glare. This situation arises within the "H" District as "H" zoned lands front on arterial roads and abut low-density (typically single-family homes) residential land at the rear. Billiard rooms existing at the date of passing of the By-law were allowed to continue under the By-law. The By-law received Ontario Municipal Board approval on April 6, 1979.

- Zoning Application 90-10 - Nos. 314 to 318 Queenston Road

At its meeting of March 21, 1990, the Planning and Development Committee denied this application for a modification to the existing "H" (Community Shopping and Commercial, etc.) District regulations to permit the establishment of a public hall (banquet facility), a billiard hall, and a penny arcade for property located at Nos. 314 to 318 Queenston Road. City Council, at its meeting of March 27, 1990, adopted the recommendation of the Planning and Development Committee.

The applicant has appealed Council's decision to the Ontario Municipal Board and the hearing is scheduled for June 18, 1991.

APPLICANT:

829145 Ontario, Inc. (M. Lulgjuraj), owner.

LOT SIZE AND AREA:

- 9.34 m (30.67 feet) of lot frontage on Queenston Road;
- 30.48 m (100 feet) of lot frontage on Delena Avenue; and,
- 284.9 m² (3,067 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	commercial	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	commercial and single-family residential uses	"H" (Community Shopping and Commercial, etc.) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	a single-family dwelling and commercial uses	"H" (Community Shopping and Commercial, etc.) District
to the east	commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity with some specialized commercial uses attracting automobile borne traffic from beyond the local area.

A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use".

The proposal conflicts with the intent of the Official Plan in that adequate parking cannot be provided and no mitigative measures can be undertaken to adequately buffer the adjoining single-family homes to the south. However, if the application is approved, an Official Plan Amendment is not required.

NEIGHBOURHOOD PLAN:

A Neighbourhood Plan is not available for the Glenview East Neighbourhood.

COMMENTS RECEIVED:

- The following agency has no comment or objection:
 - Hamilton Region Conservation Authority.
- The Building Department has advised that:
 - "1. Billiard halls have not been permitted in "H" zones since 1978, when they were removed.
 2. A variance will be required for parking."

And further advised, verbally:

"Six parking spaces are required (four for the billiard hall and two for the residential units). No legal parking spaces can be provided on-site."

- The Traffic Department has advised that:

"As per the Zoning By-law, a billiard hall is required to provide one parking space per six persons that may lawfully be accommodated on-site. Parking is also required for the residential units in the building. From our site visit, it was noted that there are approximately four substandard angled parking spaces in the rear of the property. These spaces do not have adequate manoeuvring area. Also, it appears that the applicant is presently using the boulevard on Delena Avenue South without an agreement to stack parked vehicles.

Not providing sufficient parking on-site for the billiard hall will result in customers parking on the adjacent street (Delena Avenue South) which has parking on the east side only. Billiard hall customers stay for long periods of time, usually two to three hours. This will cause parking problems on Delena Avenue South resulting in complaints from the local residents.

We do not recommend permitting a billiard hall to be established adjacent to a residential area without adequate parking being supplied and therefore, do not support this application."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. Any works which may occur within the Queenston Road road allowance must conform to the Region's Road Use By-law."

- The City Licensing Administrator has advised that:

"I would advise that this department has concerns relative to ground floor space being used as a billiard hall. I am advised that there are three schools near this proposed facility. As a general principle, I have concerns about any billiard hall locating near schools.

While application has not been made for an arcade (amusement machines), should the billiard hall be permitted, I believe a request for a further modification would be forthcoming. Notwithstanding my concern about an arcade, we experience problems such as complaints from parents and teachers about children being truant from school. Many of them are found in billiard halls.

We are currently experiencing such a problem with a billiard hall and amusement arcade across from Delta Secondary School. This has been an ongoing source of complaint and has resulted in our enforcement staff responding to many complaints.

As recent as last week, complaints about a drug and alcohol problem were received about the facility across from Delta Secondary School, which the Hamilton-Wentworth Regional Police are investigating as well as our Licence Inspectors.

Should this application be approved, I have a great fear that the children will find this facility irresistible. With so many school-aged children near the proposed facility, I anticipate problems in this regard.

In conclusion, this department does not support the proposed billiard hall."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. However, if the application is approved an Official Plan Amendment is not required.
2. The application cannot be supported for the following reasons:
 - i) it conflicts with the intent of the Official Plan, in that adequate parking cannot be provided on site. Further, approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area;
 - ii) the proposal represents an over-intensification of land use, in that six parking spaces are required and no legal parking spaces can be provided on-site. In this regard, the Traffic Department has advised that they have concerns about the lack of adequate parking and are not in support of the application;
 - iii) the proposal conflicts with the intent of By-law 78-184 which specifically excluded, among other uses, billiard rooms, penny arcades, public halls, etc. from the "H" District due to nuisance factors and spill-over effects associated

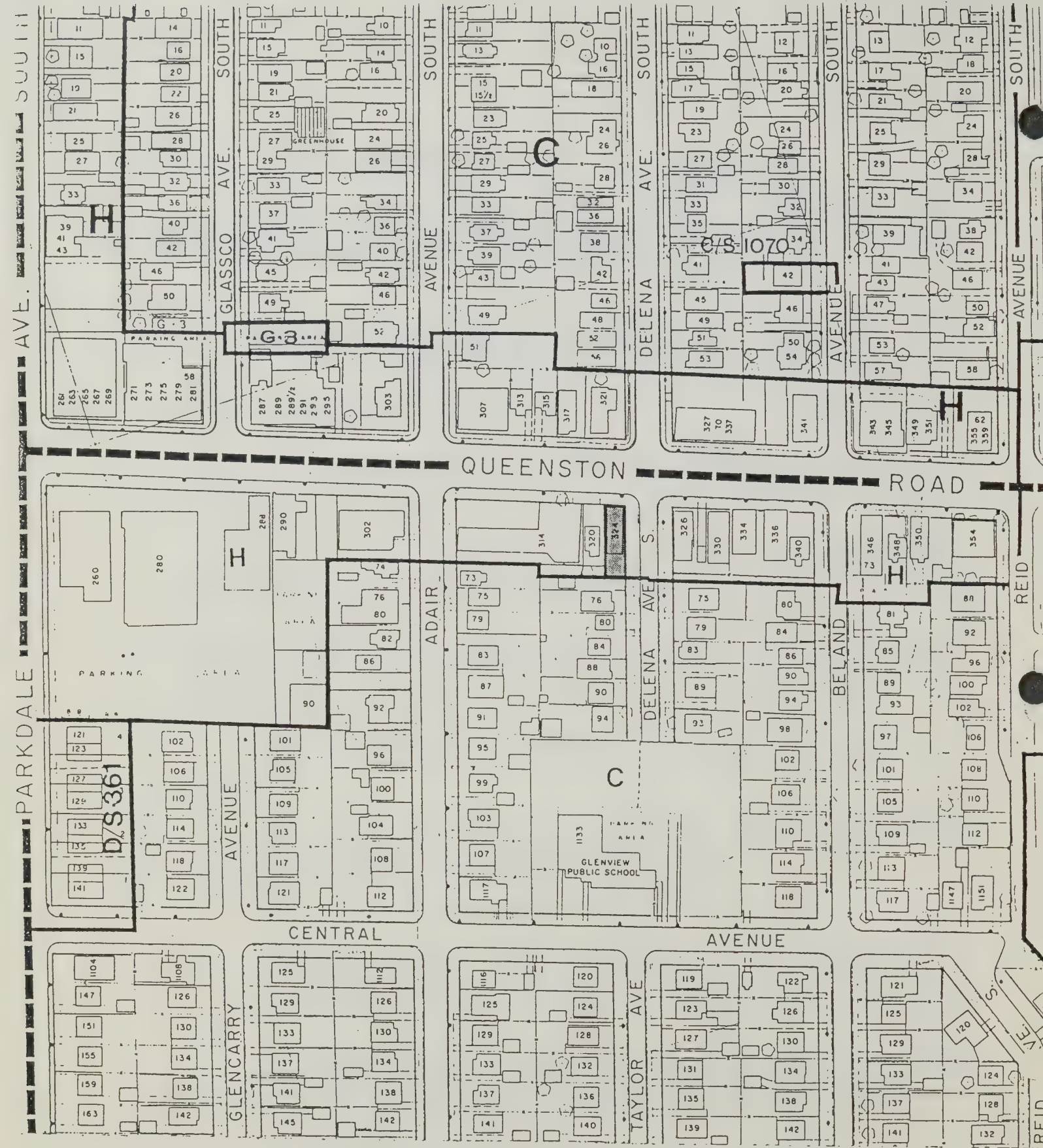
with such uses (e.g. noise, parking, headlight glare, etc.), on adjoining residential areas;

- iv) it is an incompatible land use with the adjoining single-family homes to the south. Further, the subject lands are in close proximity to three schools with the closest being one block to the south; and,
- v) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

MLT/ma
WPZA9111



LEGEND



SITE OF THE APPLICATION



APPENDIX A

17a.

April 30, 1991

SANDO MATTIOLI
DIANE MATTIOLI
79 DELENA AVE. S.
HAMILTON, ON
L8K 3S8

Dear Sir / Madam:-

FILE-2491-11 SEQ-00095

Re:- Proposed Change/Modification to
established H District property
324 Queenston Road.

May 2
meeting

We oppose the change to the above-mentioned property. There are no parking facilities (or not enough) for the establishments already in operation along Queenston Road.

We are overcrowded with car parking on our street now. If a billiard hall is opening, we'll have more cars parking on the street.

We both oppose it!

Yours truly, Sando Mattioli
Diane Mattioli

C.C.

RECEIVED

MAY - 3 1991

CITY CLERKS



THE EFFORT TRUST COMPANY

242 MAIN STREET EAST HAMILTON, ONTARIO, CANADA L8N 1H5 TELEPHONE

May 6, 1991

The Corporation of the
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

RECEIVED

MAY 9 1991

CITY CLERKS

Attention: Planning Department

Dear Sirs:

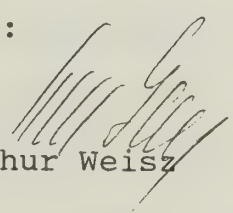
Re: File No. ZA91-11
324 Queenston Road, Hamilton, Ontario

On behalf of Frank Husack Limited and Arthur Weisz Real Estate Limited, the owners of the property municipally known as 686 Queenston Road, Hamilton, Ontario, we hereby object to the proposed rezoning of the above-noted property, and would ask that the City advise the O.M.B. of our objection at the hearing scheduled for June 18, 1991.

Yours very truly,

THE EFFORT TRUST COMPANY

Per:


Arthur Weisz

AW:av

The Effort is for you.

ZA91-11
May 22 mtg

17b

MAY 10 1991
75 Adair Ave. S,
Hamilton.

May 7th 1991

17c.

Secretary,
Planning & Development Ctr.

Dear Sir,

Re file no. [REDACTED]

We are definitely opposed to
the application of the owner
of 342 Queenston Rd. to
establish a billiard hall on
these premises.

The owner has sent us a
letter stating he is applying
for permission to open a billiard
hall, arcade or banquet hall on
these premises.

There is not sufficient parking
in the area for any of these
enterprises. In fact, the number
of cars parked on Adair Ave. south
between Queenston Rd & Central Ave.
is already excessive, as vehicles

belonging to two other businesses
are parked on the street for days
at a time.

Also, I do not feel that
a games arcade is conducive to
the moral welfare of the young
people of the neighbourhood.
(I say this even although I
have no children - my son).

I hope these comments will
be considered when you review
the proposed modifications for the
property in question.

Yours truly,

Elaine Wood

(Mrs Michael Wood)

18.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 15, 1991
CI-91-A

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

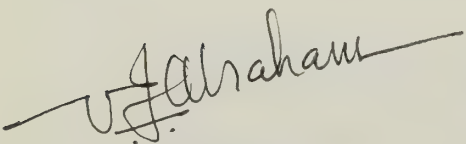
FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT:

Review of the "M" (Prestige Industrial) District Uses and Regulations - East Mountain Industrial Park.

RECOMMENDATION:

That the Planning and Development Committee authorize the Planning and Development Department to hold a Public Meeting to consider the proposed amendments to the Official Plan and the Zoning By-law for the "M" (Prestige Industrial) Districts, as identified in the attached executive summary.



per J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

SECTION 1.0 BACKGROUND:

1.1 Need for Study

As a result of increased development pressures and associated Zoning Applications requesting additional uses to "M" zoned lands, the Planning and Development Committee, in 1990, requested the Planning and Development Department to undertake a review of the "M" Districts to develop an appropriate land use strategy to meet changing economic trends.

Since 1983, approximately 49 rezoning applications have been received for the East Mountain Industrial-Business Park; of these, 46 were for modifications to existing districts and the remaining 3 applications were requesting a change from one district to another. Only 4 of the requested modifications were for industrial or other uses; 42 were for additional commercial uses.

1.2 Location of "M" Districts

The "M" Districts are primarily located in the East Mountain Business-Industrial Park. The Park is bounded by Stone Church Road East and Mud Street to the north, Upper Ottawa Street to the west and the City limits to the south and east (see Map 1).

The Park is about 280.7 ha (691 ac.) in size consisting of 6.9 ha (17 ac.) of "M-11", 44.5 ha (109 ac.) of "M-12", 46.1 ha (114 ac.) of "M-13", 139.6 ha (343 ac.) of "M-14", 21.7 ha (54 ac.) of "M-15", 4.9 ha (12 ac.) of "A" (Conservation, Open Space and Park and Recreation) and 17 ha. (42 ac.) of "AA" (Agricultural) zoned land. There is a smaller area in west Hamilton (Ainslie Wood Neighbourhood) zoned "M-14" District. In addition, there are a few isolated pockets of "M-13" and "M-14" in the lower city adjacent to the escarpment.

This report deals with the East Mountain area only.

1.3 Synopsis

In the early 1970's, Official Plan Amendment No. 276 established an industrial-business park in the east mountain area to increase the amount of land available for

industrial uses. The Park was designed to encompass commercial nodes, restricted manufacturing areas and open space areas. Accordingly, specific zoning districts were created to implement the O.P. policies.

Over the last 20 years, there have been periodic reviews of the "M" Districts to ensure the uses and regulations remain consistent with the changing economic trends. The last major review was in the early 1980's. At this time, the uses were fine tuned and the Standard Industrial Classification codes were established for each use.

As noted, the Planning and Development Committee directed a review of the "M" Districts be undertaken. As part of the review, a land use analysis was undertaken in the Fall of 1990 to determine the composition of the Park. Generally, the Park is dominated by commercial uses (46.2% of the units are used for commercial purposes); 31.2% are industrial units and the remaining 22.6% are vacant units. The predominance of commercial uses can be attributed to a number of factors including: the emerging trend of increased 'service' sector uses (i.e. retail warehouses) which do not fit into the traditional commercial hierarchy; and the majority of development has occurred in the "M-11" and "M-12" districts, etc.

Notwithstanding the current land use composition, an argument strongly in favour of retaining a large portion of the lands for industrial purposes can be made; while at the same time enabling the commercial districts to be more flexible. This area of the City has the last remaining vacant land available for prestige industrial development. Within the City, there is an abundance of commercially zoned lands throughout Hamilton. From a planning perspective, the municipality should retain these lands so as to provide opportunities for future industrial development. The remaining vacant lands are currently dominated by industrially zoned lands (114 ac.).

SECTION 2: LAND USE OPTIONS:

As discussed, the intent of the "M" District review was to identify possible amendments to the Districts which would be adaptive to the changing economic trends. Listed below are 5 possible options.

Each of the Options noted below are self-contained. In other words, each option does not relate to any of the other options. For example, consolidation of the districts

(Option 1) would be independent of removal of the Standard Industrial Classification Code (Option 3).

2.1 Option 1 - Consolidation of the "M" Districts

There are five "M" Districts; each with its own distinct planning function. The intent of Option 1 would be to reduce the number of zoning districts from 5 to 3 by consolidating the "M-11" and the "M-12" Districts into one commercial district, the "M-13" and the "M-14" into one industrial district, and retain the "M-15" District.

By combining the districts, there will be one zone whose primary function would be of a retail and wholesale nature ("M-11/12"); one zone that is dedicated to industrial functions ("M-13/14") and the third zone would have an industrial function but allow uses requiring large amounts of outside storage ("M-15").

2.2 Option 2 - Expanding the List of Permitted Uses within the "M-12" and the "M-13" Districts

- "M-12" District

In seven years, there have been 20 zoning applications and 1 application to the Committee of Adjustment to amend the "M-12" Districts. The most frequently requested uses were commercial; for example, motor vehicle repair shops; restaurants; home improvement related uses; offices; etc..

The Planning and Development Department has supported a number of rezoning applications for uses related to automotive, home improvement (ie. household furnishings, stereos, appliances, tv, radio, floor coverings, drapery, hardware, wallpaper, paint, glass, repair shops, etc.), and offices. These uses are consistent with the site specific uses which have been approved for other areas of the Mountain Industrial-Business Park (MIBP).

- "M-13" District

In addition, there have been 5 zoning applications and 4 applications to the Committee of Adjustment to permit additional industrial and commercial uses within the "M-13" District. Based on a review of the industrial uses within the Park, it would be

beneficial to expand the existing list of industrial uses by adding the following major groups: Building, Developing and General Contracting Industries; Industrial and Heavy (Engineering) Contracting Industries; Trade Contracting Industries; and Service Industries Incidental to Construction.

These proposed changes are as a result of the large number of applications for the "M-12 " and "M-13" Districts.

2.3 Option 3: Eliminate the SIC Code numbers and define the Uses by the most general terminology

The Zoning By-law uses the Standard Industrial Classification Code to define residential, commercial, industrial and public uses. Each use has a 4 digit SIC code. The 4 digit code is very precise and the SIC manual contains a definition which determines exactly what uses are permitted under the code and which are not.

When a prospective owner or tenant inquires about a particular use, the SIC manual is used to determine the appropriate terminology and code; the code then must be listed in the Zoning By-law under the particular district.

The intent of Option 3 would be to remove the SIC number references and to use the most general SIC description where possible (i.e. SIC major group terminology). For example, the "M-14" and "M-15" Districts would allow all furniture and fixture industries; however, each use (i.e. wooden household furniture, bed and mattress spring etc.) within this classification is listed separately . In some instances, there are groups of industries which are not permitted within the major group category. In these cases, each individual group would be listed as opposed to the major group heading.

To implement this option, Tables 1, 2, and 3 identify the various uses and the zoning districts in which they would be allowed.

2.4 Option 4 - Addition of Uses

Upon reviewing the list of uses, currently permitted under the "M" Districts, a number of anomalies were noted. For example, the wholesaling of machinery was not permitted in the "M-13" District but was permitted in the "M-12", "M-14" and "M-

15" Districts. In the clothing industry category, all clothing manufacturers were permitted except for sweaters. There are no apparent reasons for these anomalies.

Tables 4A, 5A and 6A list the Public, Commercial and Industrial uses which are considered to be appropriate for addition to the various zoning districts.

2.5 Option 5 - Deletion of Uses in Various Zoning Districts

As part of the review of permitted uses, there were some uses which were considered as inappropriate in the zoning districts (see Tables 4B, 5B and 6B). For example, some textile manufacturing industries are permitted in the "M-12" District; however, the Ministry of the Environment feels that since there is a potential for odour emissions, it would be inappropriate to allow these uses in Districts that abut residential uses.

Furthermore, there were specific commercial uses predominantly located in the "M-14" and "M-15" Districts (e.g. retail, offices) which are not considered appropriate in an industrial district. For example, general merchandise wholesalers are permitted in the above noted district but toys and sporting goods are not.

Tables 4B, 5B and 6B identify all uses which would be deleted as a result of Option 5.

2.6 Analysis:

Based on a review of the various options, the most appropriate is a combination of Options 2, 3, 4, and 5.

This multi-faceted approach has a number of benefits:

- 1) it will allow for the expansion of uses within each of the districts through the combination of using the most general SIC terms (Option 3) and adding specific uses to the "M-12" and "M-13" Districts (Option 4), thereby reflecting the growing economic trends within industrial-business parks. In addition, the range of uses recognizes the functional characteristics of the park as an 'employment area';

- 2) the planning principles of locating uses with similar functional and operational characteristics together will be maintained;
- 3) at the present time, the structure of the Zoning By-law is rigid in that if a use does not fit within the definition outlined in the SIC manual, then it is not a permitted use; notwithstanding it may have functional and operational characteristics similar to other uses permitted as-of-right;
- 4) it will result in the addition of the following number of uses per district in each category:

<u>District</u>	<u>Public</u>	<u>Commercial</u>	<u>Industrial</u>
M-11	71	57	0
M-12	73	83	5
M-13	5	59	79
M-14	0	24	20
M-15	<u>0</u>	<u>19</u>	<u>21</u>
TOTAL	149	242	125

and the deletion of the following number of uses in each category:

<u>District</u>	<u>Public</u>	<u>Commercial</u>	<u>Industrial</u>
M-11	0	0	0
M-12	0	1	6
M-13	6	2	2
M-14	68	19	6
M-15	<u>68</u>	<u>14</u>	<u>7</u>
TOTAL	142	36	21

The large number of changes in the "Public" category is the result of shifting the government offices from the "M-14 and 15" Districts to the "M-11 and 12" Districts.

- 5) the proposed amendments are in keeping with recent development trends to increase the number of services available to the employees of the Park.

By implementing these 4 options, the Zoning By-law will be more adaptive to changing economic conditions. In this regard, the proposed changes are being made on a comprehensive basis rather than a piece meal basis.

It should be noted that the amendments as proposed are **NOT** a 'panacea', in that there will always be persons wanting uses that are not permitted in industrial or commercial areas. However, they are likely to decrease the number of applications that have been received in the past.

SECTION 3: AMENDMENTS TO THE EXISTING REGULATIONS

As a result of this review, amendments to additional sections of the Zoning By-law were noted:

- 1) to remove the 83.5 m² restriction on office space. When the district regulations were established the accessory office uses and the dwelling unit permitted as an accessory use were inadvertently amalgamated into one clause thus restricting the office space to 83.5 m²;
- 2) to amend the sign regulations in the "M-11" and "M-12" District to permit one business identification sign to be setback 6 m instead of 12 m, and to reduce the setback from 6 m to 3 m in the "M-13", "M-14" and "M-15" Districts;
- 3) to amend the outside storage regulations in the "M-11" and "M-12" Districts to permit Lawn and Garden Centres to have an outside storage and sales area of 25% of the lot area; and,
- 4) to establish a maximum sign area of 0.1 m² for every 0.3 m of lot frontage.

SECTION 4: OFFICIAL PLAN AMENDMENT

The East Mountain Industrial-Business Park is designated "INDUSTRIAL" on Schedule "A" and Special Policy Area 11 on Schedule "B".

Based on the policies in the Plan, the amendments, as proposed, do not comply with the intent of the Official Plan. An Official Plan Amendment is required to initiate a general text amendment to Policy A.2.3.19 to permit specific commercial uses within

the LIGHT INDUSTRIAL category including business and professional offices and home improvement related uses.

SECTION 5: CONCLUSIONS

The intent of the "M" District review was to identify appropriate amendments to the Zoning By-law which would allow the "M" Districts to be more adaptable to the changing economic trends of the 1990's without undermining the need for industrial land in the City. The Industrial Districts within the Mountain Industrial Business Park have been undergoing changes within the last seven years, as indicated by the emerging trends of increased interest in building trades, automotive uses, smaller industrial users, employment characteristics, etc.

The planning philosophy of the East Mountain Industrial-Business Park developed in the 1970's has been fine tuned over the last 20 years. The basic land use development patterns remain achievable and desirable in the 1990's. The Park was designed to allow for 'business nodes' at major intersections, the arterial roads were wholesale/limited industrial function, and the interior of the Park was designated for manufacturing uses of a prestige industrial nature. The East Mountain Industrial-Business Park is the last area of vacant industrial land in the City. The uses which would locate in this Park would generally not locate in the traditional industrial areas along the bay. Accordingly, there is a need to protect lands for possible future industrial development.

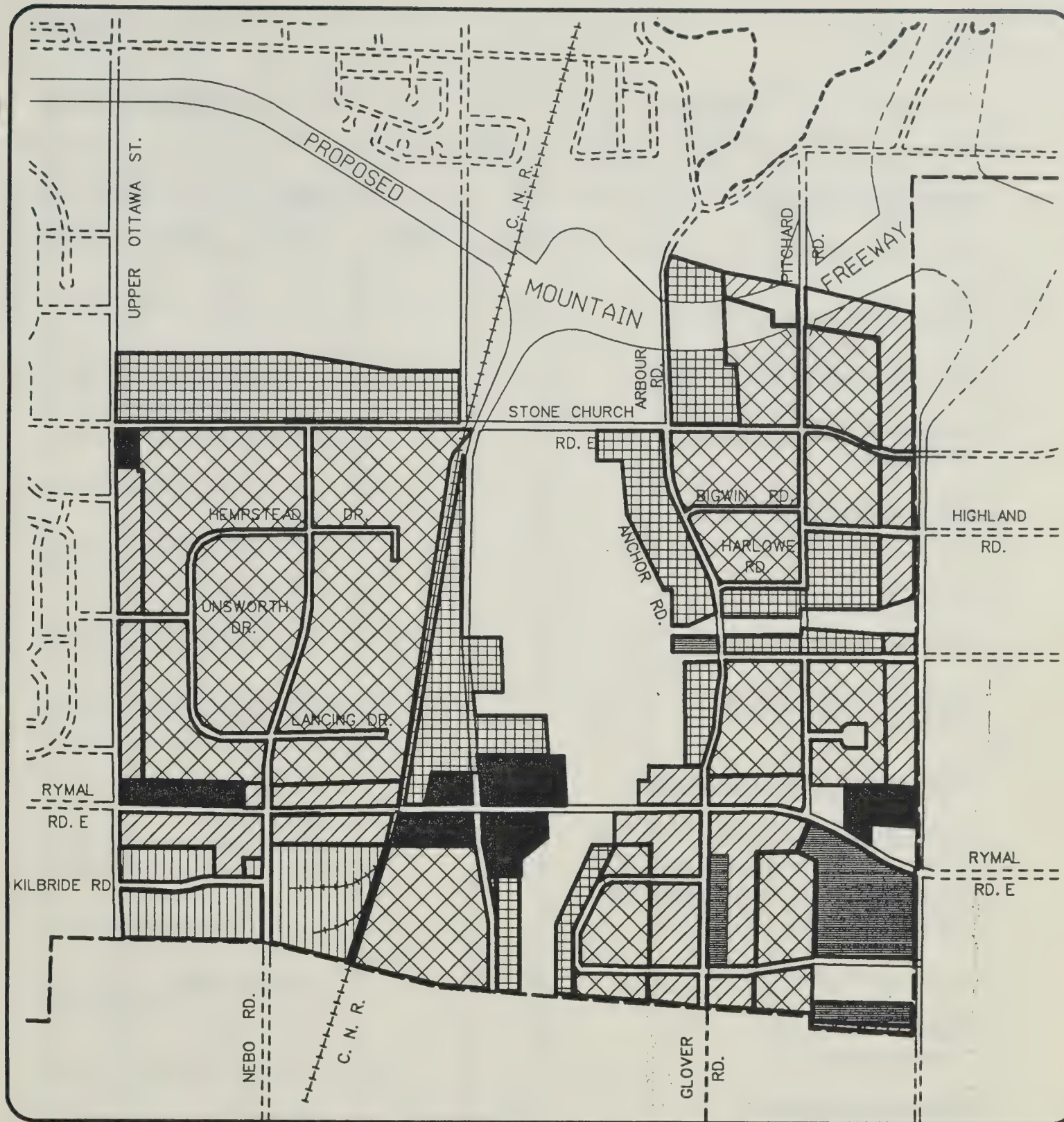
Although, the existing uses reflect a business park, (46.4% of the units are used for commercial purposes), the industrial function within the Park is still viable since:

- there are 111 ha of "M-13, "M-14 and "M-15" lands available for development; and,
- 22.6% of the existing units are vacant.

The potential exists within the "M" Districts to update the uses by adapting to economic changes without undermining the planning criteria. Several options were identified; however, in order to maintain the planning philosophy for the development of the Park; the following changes would be appropriate from a planning perspective:

- 1) Remove the SIC Code numbers and use more general terminology to define the permitted land uses;
- 2) Add specific commercial uses (ie. household furnishings, stereos, appliances, tv, radio, floor coverings, drapery, hardware, wallpaper, paint, glass, repair shops, etc.) and offices to the "M-12" District; add specific industrial uses (Building, Developing and General Contracting Industries, Industrial and Heavy (Engineering) Contracting Industries; Trade Contracting Industries; and Services Incidental to Construction) to the "M-13" District and, add automotive related uses to the "M-12", "M-13", "M-14" and "M-15" Districts;
- 3) Eliminate the anomalies which exist within the group (3 digit) and the class (4 digit) codes (ie. allowing all types of clothing to be manufactured except sweaters);
- 4) Delete certain uses within districts that are considered inappropriate;
- 5) Amend the relevant sections of the Zoning By-law to eliminate the 83.5 m² restriction on accessory office use, reduce the setback requirements for signs in the "M-11", "M-12", "M-13", "M-14", and "M-15" Districts, to clarify the outside storage regulations in the "M-11" and the "M-12" District as it relates to Lawn and Garden Centres; and to establish maximum sizes for signs; and,
- 6) Initiate an Official Plan Amendment to ensure conformity between the O.P. and the Zoning By-law.

* **Note:** For the information of the Committee, a copy of the full report is available from the Department.



City of Hamilton East Mountain Industrial-Business Park

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

M-11
M-12
M-13

M-14
M-15
A A
A

North



MAP 1

Date
FEBRUARY 1991

Reference File No.
CI-91-A

Drawn By
WILLIAM

<i>USE NOT PROHIBITED</i>	<i>DISTRICT</i>				
	<i>M-11</i>	<i>M-12</i>	<i>M-13</i>	<i>M-14</i>	<i>M-15</i>
Federal Government Service (81)	X	X			
Provincial Government Services (82)	X	X			
Regional and Local Government Services (83)	X	X			
International and Extra Territorial Government Services (84)	X	X			
Library Services (854)			X		
Museums and Archives (855)			X		
Sports and Recreation Clubs and Services (965)			X		
Botanical and Zoological Gardens (9696)			X		
Other Amusement and Recreational Services except agricultural fairs, fortune tellers, go kart tracks, horseback riding operations riding schools, trainers - all types (9699)			X		
Business Associations (982)	X	X	X		
Professional Membership Associations (983)	X	X	X		
Labour Organizations (984)	X	X	X		
Political Organizations (985)	X	X	X		
Civic and Fraternal Organizations (986)	X	X	X		

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Fruit and Vegetable Industry (103)				X	X
Dairy Products Industry (104)				X	X
Bakery Products Industry (107)				X	X
Sugar and Sugar Confectionary Industries except Cane and Sugar Beet Industry (1081)				X	X
Other Food Products Industries (109)				X	X
Soft Drink Industry (1111)			X	X	X
Brewery, Distillery, Wine Industries (1121, 1131, 1141)				X	X
Rubber Products except Tire and Tube Industries (1511)				X	X
Leather and Allied Products Industries except leather tanneries (1711)		X	X	X	X
Primary Textile Industries (18)				X	X
Textile Products Industries except carpets, mats, rugs industry (1921)		X	X	X	X
Clothing Industries (24)		X	X	X	X
Sash, Door and Other Millwork Industries (254)				X	X
Wooden Box and Pallet Industries (256)				X	X
Coffin and Casket Industries (258)				X	X
Other Wood Industries (259) except Wood Preservation Industry (2591)				X	X
Furniture and Fixture Industries (26)				X	X

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Paper Box and Paper Bag Industries (273)			X	X	X
Printing, Publishing, and allied Industries (28)		X	X	X	X
Fabricated Metal Products Industries - (Except Machinery and Transportation Equipment Industries) - except Power Boiler and Heat Exchanger Industry (301)				X	X
Motor Vehicle Part and accessories Industries except firewall and leaf spring manufacturing (325)				X	X
Boat Building and Repair Industry (328)				X	X
Small Electrical Appliance Industry (331)			X	X	X
Major Appliance Industry (332)			X	X	X
Electric Lighting Industries (333)			X	X	X
Record Player, Radio, Television Receiver Industry (334)			X	X	X
Communication and other Electronic Equipment Industries (335)			X	X	X
Office, Store and Business Machine Industries (336)			X	X	X
Electrical industrial equipment Industries (337)			X	X	X
Communications and Energy Wire and Cable Industries (338)			X	X	X
Electrical Products Industries except Battery Industry (3391)			X	X	X

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Clay Products Industries (351)				X	X
Concrete Products Industries (354)				X	X
Glass Products Industries except Glass Containers					X
Other Non-metallic Products Industries except asbestos (3592) and gypsum products (3593)				X	X
Pharmaceutical and Medicinal Products (374)			X	X	X
Toilet Preparations Industry (377)			X	X	X
Scientific and Professional Equipment Industries (391)			X	X	X
Jewellery and Precious Metals Industries (392)			X	X	X
Sporting Goods and Toy Industries (393)			X	X	X
Sign and Display Industry (3971)			X	X	X
Manufactured Products Industries (399)			X	X	X
Building, Developing, and General Contracting Industries (40)			X	X	X
Industrial and Heavy (Engineering) Construction Industries (41)			X	X	X
Trade Contracting Industries (42)			X	X	X

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USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Project Management Construction (441)		X	X	X	X
Other Services Incidental to Construction (449)		X	X	X	X
Truck Transport Industries (456)		X	X	X	X
Public Passenger Transit Systems Industries (457)				X	X
Other Storage and Warehousing Industries (479) with ancillary retail not to exceed 25% of the gross floor area of building		X	X	X	X
Telecommunication Broadcasting Industries (481)		X	X	X	X
Postal and Courier Service Industries (484)	X	X			
Wholesaling:					
Food, beverage, drug and tobacco (52)		X	X	X	X
Apparel and dry goods (53)		X	X	X	X
Household Goods (54)		X	X	X	X
Motor Vehicle Parts and Accessories except rebuilding, recapping, retreading or vulcanized tires (552)		X	X	X	X
hardware and plumbing and air conditioning equipment and supplies (562)		X	X	X	X
lumber and building materials (563)		X	X	X	X
machinery, equipment and sales (57)		X	X	X	X

USE NOT PROHIBITED		DISTRICT				
		M-11	M-12	M-13	M-14	M-15
paper and paper products (592)			X	X	X	X
agricultural supplies (593)			X	X		
toys, amusement and sporting goods (594)			X	X		
photographic equipment and musical instruments and supplies (595)			X	X		
jewellery and watches (596)			X	X		
industrial and household chemicals (597)			X	X		
general merchandise (598)			X	X		
books, periodicals and newspaper (5991)			X	X		
second hand goods except automotive and machinery (5992)			X	X		
Retail Stores selling:						
food (601)	X					
liquor, wine, beer (602)	X					
prescription drugs, and medicine (603)	X					
household furniture, appliances and furnishings (62)	X		X			
general merchandise (641)	X					
books and stationary (651)	X					
hardware, paint, wallpaper, and glass (653)	X		X			
sporting goods and bicycles (654)	X					

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
musical Instruments and records (655)	X				
camera and photographic supplies (657)	X				
toy, hobby, novelty and souvenirs (658)	X				
other retail stores (659)	X				
Gasoline Service Stations (6331)	X				
Recreation Vehicle Dealers (632)	X	X			X
Automotive Parts and Accessories Store (634)	X	X			
Motor Vehicle Repair Shops (635) except paint and autobody repair shop (6352)	X	X	X	X	X
Paint and Autobody Repair Shop (6352)				X	X
Other Motor Vehicle Services (639) except car washes selling gasoline		X	X	X	X
Other Motor vehicle services (639) including car washes selling gasoline	X				
Lawn and Garden Centres with a maximum of 25% of lot area to be used for outside storage and sales area (6522)	X	X			
Vending Machine Operators (691)	X	X			
Direct sellers (692)	X	X			
Finance and Insurance Industries (70 to 74)	X	X			
Real Estate Operators and Insurance Agent Industries (75 and 76)	X	X			

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Employment Agencies and Personnel Suppliers (771)	X	X			
Computer and related services (772)	X	X	X		
Accounting and bookkeeping services (773)	X	X			
Advertising services (774)	X	X	X		
Architectural, Engineering, and Other Scientific and Technical Services (775)	X	X	X		
Offices for:					
lawyers, notaries (776)	X	X			
medical, dental (865)	X	X			
health practitioners (866)	X	X			
social services practitioners (867)	X	X			
Management Consulting Services (777)	X	X			
Other Business Services (779)	X	X			
Post Secondary Non-University (852)	X	X	X		
Medical and Health Laboratories (868)	X	X	X		
Health and Social Service Associations and Agencies (869)	X	X			
Food services (921) except caterers (9214)	X				
Outdoor Patio in conjunction with food services (restaurant) only (921.01)	X				
Caterers (9214) including banquet facilities	X	X			

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Motion Picture, Audio and Video Production and Distribution (961)		X	X		
Regular Motion Picture Theatre (962)			X		
Class H Adult Entertainment Parlour (9631.01)					
Bowling Alleys and Billiard Parlours (9691)			X		
Amusement park and Carnival Circus (9692)			X		
Dance Halls, studios and Schools (9693)			X		
Roller Skating Facilities (9695)			X		
Barber and Beauty Shops (971)	X				
Laundries and cleaners (972) except distributors and/or agents for dry cleaners (9722), self serve laundries and/or dry cleaners (9723), and valet services, pressing and/or repairing (9724)				X	X
Distributors and/or agents for Dry Cleaners (9722)	X				
Self serve laundries and/or dry cleaners (9723)	X				
Valet Services, pressing and/or repairing (9724)	X				
Other Personal Household Services (979)	X	X			
Machinery and Equipment Rental and Leasing Services (991)		X	X	X	X
Automobile Truck Rental and Leasing Services (992)					X

<i>USE NOT PROHIBITED</i>	<i>DISTRICT</i>				
	<i>M-11</i>	<i>M-12</i>	<i>M-13</i>	<i>M-14</i>	<i>M-15</i>
Photographers (993)	X	X			
Repair Services (994)		X	X	X	X
Services to Buildings and Dwellings (995)		X	X	X	X
Travel Services (996)	X	X			

TABLE 4-A

PUBLIC USES - ADDITIONS

M-11 District

1. Federal Government Service (81)
 - 1.1 Defence Services (8111)
 - 1.2 Courts of Law (8121)
 - 1.3 Correctional Services (8122)
 - 1.4 Police Services (8123)
 - 1.5 Regulatory Services (8125)
 - 1.6 Other Protective Services (8129)
 - 1.7 Labour and Employment Services (8131)
 - 1.8 Immigration Services (8132)
 - 1.9 Other Labour, Employment and Immigration Services (8139)
 - 1.10 Foreign Affairs (8141)
 - 1.11 International Assistance (8142)
 - 1.12 Executive and Legislative Administration (8151)
 - 1.13 Finance and Economic Administration (8152)
 - 1.14 Taxation Administration (8153)
 - 1.15 Intergovernmental Affairs Administration (8154)
 - 1.16 Other General Administrative Services (8159)
 - 1.17 Health Administration (8161)
 - 1.18 Social Services Administration (8162)
 - 1.19 Education Administration (8163)
 - 1.20 Recreation and Culture Administration (8164)
 - 1.21 Transportation and Communication Administration (8171)
 - 1.22 Resource Conservation and Industrial Development Administration (8172)
 - 1.23 Environment Administration (8173)
 - 1.24 Housing Administration (8174)
 - 1.25 Regional Planning and Development Administration (8175)
 - 1.26 Research Administration (8176)

2. Provincial Government Services (82)

- 2.1 Courts of Law (8221)
- 2.2 Correctional Services (8222)
- 2.3 Police Services (8223)
- 2.4 Firefighting Services (8224)
- 2.5 Regulatory Services (8225)
- 2.6 Other Protective Services (8229)
- 2.7 Labour and Employment Services (8231)
- 2.8 Executive and Legislative Administration (8251)
- 2.9 Finance and Economic Administration (8252)
- 2.10 Taxation Administration (8153)
- 2.11 Intergovernmental Affairs Administration (8254)
- 2.12 Other General Administrative Services (8259)
- 2.13 Health Administration (8261)
- 2.14 Social Services Administration (8262)
- 2.15 Education Administration (8263)
- 2.16 Recreation and Culture Administration (8264)
- 2.17 Transportation and Communication Administration (8271)
- 2.18 Resource Conservation and Industrial Development Administration (8272)
- 2.19 Environment Administration (8273)
- 2.20 Housing Administration (8274)
- 2.21 Regional Planning and Development Administration (8275)
- 2.22 Research Administration (8276)

3. Regional and Local Government Services (83)

- 3.1 Courts of Law (8321)
- 3.2 Correctional Services (8322)
- 3.3 Police Services (8323)
- 3.4 Firefighting Services (8324)
- 3.5 Regulatory Services (8325)
- 3.6 Other Protective Services (8329)
- 3.7 Executive and Legislative Administration (8351)
- 3.8 Finance and Economic Administration (8352)

- 3.9 Taxation Administration (8353)
- 3.10 Intergovernmental Affairs Administration (8354)
- 3.11 Other General Administrative Services (8359)
- 3.12 Health Administration (8361)
- 3.13 Social Services Administration (8362)
- 3.14 Education Administration (8363)
- 3.15 Recreation and Culture Administration (8364)
- 3.16 Transportation Administration (8371)
- 3.17 Resource Conservation and Industrial Development Administration (8372)
- 3.18 Environment Administration (8373)
- 3.19 Housing Administration (8374)
- 3.20 Regional Planning and Development Administration (8375)
- 4. International and Extra Territorial Government Service Industries (8411)
- 5. Library Services (8541)
- 6. Museums and Archives (8551)

M-12 District

- 1. Federal Government Service (81)
 - 1.1 Defence Services (8111)
 - 1.2 Courts of Law (8121)
 - 1.3 Correctional Services (8122)
 - 1.4 Police Services (8123)
 - 1.5 Regulatory Services (8125)
 - 1.6 Other Protective Services (8129)
 - 1.7 Labour and Employment Services (8131)
 - 1.8 Immigration Services (8132)
 - 1.9 Other Labour, Employment and Immigration Services (8139)
 - 1.10 Foreign Affairs (8141)
 - 1.11 International Assistance (8142)
 - 1.12 Executive and Legislative Administration (8151)
 - 1.13 Finance and Economic Administration (8152)
 - 1.14 Taxation Administration (8153)
 - 1.15 Intergovernmental Affairs Administration (8154)
 - 1.16 Other General Administrative Services (8159)
 - 1.17 Health Administration (8161)

- 1.18 Social Services Administration (8162)
- 1.19 Education Administration (8163)
- 1.20 Recreation and Culture Administration (8164)
- 1.21 Transportation and Communication Administration (8171)
- 1.22 Resource Conservation and Industrial Development Administration (8172)
- 1.23 Environment Administration (8173)
- 1.24 Housing Administration (8174)
- 1.25 Regional Planning and Development Administration (8175)
- 1.26 Research Administration (8176)

2. Provincial Government Services (82)

- 2.1 Courts of Law (8221)
- 2.2 Correctional Services (8222)
- 2.3 Police Services (8223)
- 2.4 Firefighting Services (8224)
- 2.5 Regulatory Services (8225)
- 2.6 Other Protective Services (8229)
- 2.7 Labour and Employment Services (8231)
- 2.8 Executive and Legislative Administration (8251)
- 2.9 Finance and Economic Administration (8252)
- 2.10 Taxation Administration (8153)
- 2.11 Intergovernmental Affairs Administration (8254)
- 2.12 Other General Administrative Services (8259)
- 2.13 Health Administration (8261)
- 2.14 Social Services Administration (8262)
- 2.15 Education Administration (8263)
- 2.16 Recreation and Culture Administration (8264)
- 2.17 Transportation and Communication Administration (8271)
- 2.18 Resource Conservation and Industrial Development Administration (8272)
- 2.19 Environment Administration (8273)
- 2.20 Housing Administration (8274)
- 2.21 Regional Planning and Development Administration (8275)
- 2.22 Research Administration (8276)

3. Regional and Local Government Services (83)
 - 3.1 Courts of Law (8321)
 - 3.2 Correctional Services (8322)
 - 3.3 Police Services (8323)
 - 3.4 Firefighting Services (8324)
 - 3.5 Regulatory Services (8325)
 - 3.6 Other Protective Services (8329)
 - 3.7 Executive and Legislative Administration (8351)
 - 3.8 Finance and Economic Administration (8352)
 - 3.9 Taxation Administration (8353)
 - 3.10 Intergovernmental Affairs Administration (8354)
 - 3.11 Other General Administrative Services (8359)
 - 3.12 Health Administration (8361)
 - 3.13 Social Services Administration (8362)
 - 3.14 Education Administration (8363)
 - 3.15 Recreation and Culture Administration (8364)
 - 3.16 Transportation Administration (8371)
 - 3.17 Resource Conservation and Industrial Development Administration (8372)
 - 3.18 Environment Administration (8373)
 - 3.19 Housing Administration (8374)
 - 3.20 Regional Planning and Development Administration (8375)
4. International and Extra Territorial Government Service Industries (8411)
5. Library Services (8541)
6. Museums and Archives (8551)
7. Political Organizations (9851)
8. Civic and Fraternal Organizations (9861)

M-13 District

1. Business Associations (9821)
2. Professional Membership Associations (9831)
3. Other professional Membership Associations (9839)
4. Political Organizations (9851)
5. Civic and Fraternal Organizations (9861)

M-14, M-15 Districts

None

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PUBLIC USES - DELETIONS

M-11 and M-12 Districts

None

M-13 District

1. Other Amusement and Recreational Services (969)
 - 1.1 Agricultural Fairs (9699)
 - 1.2 Fortune Tellers (9699)
 - 1.3 Go Kart tracks (9699)
 - 1.4 Horseback Riding Operations (9699)
 - 1.5 Riding Schools (9699)
 - 1.6 Trainers, own accounts, all types (9699)

M-14 District

1. Federal Government Service (81) - detail uses see Table 6A
2. Provincial Government Services (82) - detail uses see Table 6A
3. Regional and Local Government Services (83) - detail uses see Table 6A

M-15 District

1. Federal Government Service (81) - detail uses see Table 6A
2. Provincial Government Services (82) - detail uses see Table 6A
3. Regional and Local Government Services (83) - detail uses see Table 6A

TABLE 6-A

INDUSTRIAL USES - ADDITIONS

M-11 District

none

M-12 District

1. Contract Textile Dyeing and Finishing Industry (1992)
2. Tire Cord Fabric Industry (1995)
3. Sweater Industry (2491)
4. Book Publishing (2831)
5. Other Publishing (2839)

M-13 District

1. Other leather and allied products (1719)
2. Canvas and Related Products (1991)
3. Contract Textile Dyeing and Finishing Industry (1992)
4. Tire Cord Fabric Industry (1995)
5. Sweater Industry (2491)
6. Major Appliances (Electric and Non-Electric) (3321)
7. Electrical Industrial Equipment Industries (337)
 - 7.1 Electrical transformer Industry (3371)
 - 7.2 Electrical Switchgear and Protective Equipment Industry (3372)
 - 7.3 Other Electrical Industrial Equipment Industries (3379)
8. Communications and Energy Wire and Cable Industry (3381)

9. Electrical Products Industries (339) except battery Industry (3391)
 - 9.1 Non-current Carrying Wiring Devices Industry (3392)
 - 9.2 Other electrical Products Industries (3399)
10. Toilet Preparations Industries (3771)
11. Jewellery and Precious Metal Industries (392)
 - 11.1 Jewellery and Silverware Industry (3921)
 - 11.2 Precious metal Secondary Refining Industry (3922)
12. Sign and Display Industry (3971)
13. Building, Developing and General Contracting Industries (40)
 - 13.1 Single Family Housing (4011)
 - 13.2 Apartment and Other Multiple Housing (4012)
 - 13.3 Residential Renovation (4013)
 - 13.4 Manufacturing and Light Industrial Building (4021)
 - 13.5 Commercial Building (4022)
 - 13.6 Institutional Building (4023)
14. Industrial and Heavy (Engineering) Construction Industries (41)
 - 14.1 Power Plants (Except Hydroelectric) (4111)
 - 14.2 Gas, Oil and Other Energy Related Structures (Except Pipelines) (4112)
 - 14.3 Gas and Oil Pipelines (4113)
 - 14.4 Other Industrial Construction (4119)
 - 14.5 Highways, Streets and Bridges (4121)
 - 14.6 Waterworks and Sewage Systems (4122)
 - 14.7 Hydroelectric Power Plants and Related Structures (Except Transmission Lines) (4123)
 - 14.8 Power and Telecommunication Transmission Lines (4124)
 - 14.9 Other Heavy Equipment (4129)

- 15. Trade Contracting Industries (42)
 - 15.1 Wrecking and Demolition (4211)
 - 15.2 Water Well Drilling (4212)
 - 15.3 Septic System Installation (4213)
 - 15.4 Excavating and Grading (4214)
 - 15.5 Equipment Rental (With Operator) (4215)
 - 15.6 Asphalt Paving (4216)
 - 15.7 Fencing Installation (4217)
 - 15.8 Other Site Work (4219)
 - 15.9 Piledriving Work (4221)
 - 15.10 Form Work (4222)
 - 15.11 Steel Reinforcing (4223)
 - 15.12 Concrete Pouring and Finishing (4224)
 - 15.13 Precast Concrete Installation (4225)
 - 15.14 Rough and Framing Carpentry (4226)
 - 15.15 Structural Steel Erection (4227)
 - 15.16 Other Structural and Related Work (4229)
 - 15.17 Masonry Work (4231)
 - 15.18 Siding Work (4232)
 - 15.19 Glass and Glazing Work (4233)
 - 15.20 Insulation Work (4234)
 - 15.21 Roof Shingling (4235)
 - 15.22 Sheet Metal and Built-Up Roofing (4236)
 - 15.23 Other Exterior Close-In Work (4239)
 - 15.24 Plumbing (4241)
 - 15.25 Dry Heating and Gas Piping Work (4242)
 - 15.26 Wet Heating and Air Conditioning Work (4243)
 - 15.27 Sheet Metal and Other Duct Work (4244)
 - 15.28 Process Piping Work (4251)
 - 15.29 Automatic Sprinkler System Installation (4252)
 - 15.30 Commercial Refrigeration Work (4253)
 - 15.31 Environmental Control Work (4254)
 - 15.32 Millwright and Rigging (4255)
 - 15.33 Thermal Insulation Work (4256)
 - 15.34 Other Mechanical Specialty Work (4259)
 - 15.35 Electrical Work (4261)
 - 15.36 Plastering and Stucco Work (4271)

- 15.37 Drywall Work (4272)
- 15.38 Acoustical Work (4273)
- 15.39 Finish Carpentry (4274)
- 15.40 Painting and Decorating Work (4275)
- 15.41 Terrazzo and Tile Work (4276)
- 15.42 Hardwood Flooring Installation (4277)
- 15.43 Resilient Flooring and Carpet Work (4278)
- 15.44 Other Interior and Finishing Work (4279)
- 15.45 Elevator and Escalator Installation (4291)
- 15.46 Ornamental and Miscellaneous Fabricated Metal Installation (4292)
- 15.47 Residential Swimming Pool Installation (4293)
- 15.48 Other Trade Work n.e.c. (4299)

M-14 District

- 1. Fruit and Vegetable Industry (103)
 - 1.1 Canned and Preserved Fruit Industry (1031)
 - 1.2 Frozen Fruit and Vegetable industry (1032)
- 2. Malt and Malt Flour Industry (1094)
- 3. Rubber Hose and Belting Industry (152)
 - 3.1 Rubber Hose and Belting Industry (1521)
- 4. Other leather and allied products (1719)
- 5. Contract Textile Dyeing and Finishing Industry (1992)
- 6. Household Products of Textile Materials (1993)
- 7. Hygiene Products of Textile Materials (1994)
- 8. Tire Cord Fabric Industry (1995)
- 9. Other textile products (1999)
- 10. Sweater Industry (2491)
- 11. Boat Building and Repair Industry (3281)
- 12. Electric Parts and Components (3352)
- 13. Other Communication and Electronic Equipment (3359)

14. Electrical Products Industries (339) except battery Industry (3391)
 - 14.1 Non-current Carrying Wiring Devices Industry (3392)
 - 14.2 Other electrical Products Industries (3399)
15. Toilet Preparations Industries (3771)
16. Jewellery and Precious Metal Industries (392)
 - 16.1 Jewellery and Silverware Industry (3921)
 - 16.2 Precious metal Secondary Refining Industry (3922)
17. Sporting Goods and Toy Industries (393)
 - 17.1 Sporting Goods Industry (3931)
 - 17.2 Toys and Games Industries (3932)

M-15 District

1. Fruit and Vegetable Industry (103)
 - 1.1 Canned and Preserved Fruit Industry (1031)
 - 1.2 Frozen Fruit and Vegetable industry (1032)
2. Potato Chips, Pretzels and Popcorn (1093)
3. Malt and Malt Flour Industry (1094)
4. Distillery Products (1121)
5. Brewery products (1131)
6. Wine (1141)
7. Rubber Hose and Belting Industry (152)
8. Other leather and allied products (1719)
9. Contract Textile Dyeing and Finishing Industry (1992)
10. Household Products of Textile Materials (1993)
11. Hygiene Products of Textile Materials (1994)
12. Tire Cord Fabric Industry (1995)
13. Other textile products (1999)
14. Sweater Industry (2491)
15. Motor Vehicle steering and Suspension Parts

- (except leaf spring manufacturing) (3254)
- 16. Boat Building and Repair Industry (3281)
- 17. Electrical Products Industries (339) except battery Industry (3391)
 - 17.1 Non-current Carrying Wiring Devices Industry (3392)
 - 17.2 Other electrical Products Industries (3399)
- 18. Toilet Preparations Industries (3771)
- 19. Jewellery and Precious Metal Industries (392)
 - 19.1 Jewellery and Silverware Industry (3921)
 - 19.2 Precious metal Secondary Refining Industry (3922)

TABLE 6-B

INDUSTRIAL USES - DELETIONS

M-12 District

1. Man Made Fibre and Filament Yarns (1811)
2. Wool Yarn and Woven Cloth (1821)
3. Other Spun Yarn and Woven Cloth (1829)
4. Broad knitted Fabrics (1831)
5. Carpets, Mats and Rugs Industry (1921)
6. Motor Vehicle Fabric Accessories (3257)

M-13 District

1. Distillery Industry (1121)
2. Wine Industry (1141)

M-14 District

1. Carpets, Mats and Rugs Industry (1921)
2. Gypsum Industries (3593)
3. Automotive Leaf manufacturing
4. Automotive Firewalls Manufacturing
5. Primary Glass and Glass Containers (3561)
6. Asbestos products (3592)

M-15 District

1. Carpets, Mats and Rugs Industry (1921)
2. Automotive Firewalls Manufacturing

3. Primary Glass and Glass Containers (3561)
4. Other Non-Metallic Mineral Products Industries (359)
 - 4.1. Asbestos products (3592)
 - 4.2. Gypsum Industries (3593)
5. Other Petroleum and Coal Products (3699)

TABLE 5-A

COMMERCIAL USES - ADDITIONS

M-11 District

1. Food Stores
 - 1.1 Bakery Products Store (6013)
 - 1.2 Candy and Nut Stores (6014)
 - 1.3 Fruit and Vegetable Stores (6015)
 - 1.4 Meat Markets (6016)
 - 1.5 Other Food Specialty Stores (6019)
2. Recreation Vehicle Dealers (632)
 - 2.1 Motor Home and Travel Trailer Dealers (6321)
 - 2.2 Boats, Outboard Motors and Boating Accessories Dealers (6322)
 - 2.3 Motorcycle and Snowmobile dealers (6323)
 - 2.4 Other Recreational Vehicle Dealers (6329)
3. Car Wash selling gasoline (6391)
4. Lawn and Garden Centres with a maximum of 25% of the lot area used for outside storage and sales area (6522)
5. Other General Merchandise Stores (6413)
6. Vending Machine Operators (6911)
7. Direct Sellers (6921)
8. Insurance Industries (73)
 - 8.1 Life Insurers (7311)
 - 8.2 Deposit Insurers (7321)
 - 8.3 Health Insurers (7331)
 - 8.4 Other Property and Casualty Insurers (7339)

9. Real Estate Operator Industries (75)
 - 9.1 Operators of Residential Buildings and Dwellings (7511)
 - 9.2 Operators of Non-Residential Buildings (7512)
 - 9.3 Other Real Estate Operators (7599)
10. Employment Agencies and Personal Suppliers (771)
 - 10.1 Employment Agencies (7711)
 - 10.2 Personnel Suppliers (7712)
11. Architectural, Engineering and Other Scientific and Technical Services (775)
 - 11.1 Offices of Architects (7751)
 - 11.2 Offices of Engineers (7752)
 - 11.3 Other Scientific and Technical Services (7759)
12. Post Secondary Non-University Education (8521)
13. Offices of Physicians, Surgeons and Dentists (865)
 - 13.1 Offices of Physicians, General Practice (8651)
 - 13.2 Offices of Physicians and Surgeons, Specialists (8652)
 - 13.3 Offices of Dentists, General Practice (8653)
 - 13.4 Offices of Dentists, Specialists (8654)
14. Offices of Other Health Practitioners (866)
 - 14.1 Offices of Chiropractors and Osteopaths (8661)
 - 14.2 Offices of Nurses, Registered (8662)
 - 14.3 Offices of Nurses, Practical (8663)
 - 14.4 Offices of Nutritionists/Dietitians (8664)
 - 14.5 Offices of Physiotherapists/Occupational Therapists (8665)
 - 14.6 Offices of Optometrists (8666)
 - 14.7 Offices of Podiatrists and Chiropodists (8667)
 - 14.8 Offices of Denturists (8668)

- 14.9 Offices of Other Health Practitioners (8669)
- 15. Office of Social Services Practitioners (867)
 - 15.1 Offices of Psychologists (8671)
 - 15.2 Offices of Social Workers (8672)
 - 15.3 Offices of Other Social Service Practitioners (8679)
- 16. Medical and other Health Laboratories (868)
- 17. Health and Social Service Agencies and Associations (869)
 - 17.1 Health Care and Public Safety Promotion Associations and Agencies (8691)
 - 17.2 Health Care Standards Agencies (8692)
 - 17.3 Health Care Research Agencies (8693)
 - 17.4 Social Service Planning and Advocacy Agencies (8694)
 - 17.5 Other Health and Social Service Associations and Agencies (8699)
- 18. Laundries and cleaners (972)
 - 18.1 Distributors and/ agents for dry cleaners (9722)
 - 18.2 Valet Services, Pressing and/or repair (9724)
- 19. Other Personal and Household Services (979)
 - 19.1 Shoe Repair
 - 19.2 Fur Cleaning, Repair and Storage
- 20. Photographers (9931)
- 21. Travel Services (996)
 - 21.1 Ticket and Travel Agencies (9961)
 - 21.2 Tour Wholesalers and Operators (9962)

M-12 District

1. Other Services Incidental to Construction (449)
 - 1.1 Land Developers (4491)
 - 1.2 Other Services Incidental to Construction n.e.c. (4499)
2. General Freight Trucking Industry (4561)
3. Bulks Liquid Trucking Industry (4563)
4. Dry Bulk Materials Trucking Industry (4564)
5. Forest Products Trucking Industry (4565)
6. Other Truck Transport Industries (4569)
7. Computer and related Machinery Equipment etc., wholesale (5744)
8. Agricultural Feeds, wholesale (5931)
9. Seeds and Seed Processing, Wholesale (5932)
10. Household Furniture and Appliance Stores (621)
 - 10.1 Household Furniture Stores (With Appliances and Furnishings) (6211)
 - 10.2 Household Furniture Stores (Without Appliances and Furnishings) (6212)
 - 10.3 Furniture Refinishing and Repair Shops (6213)
 - 10.4 Appliance, TV, Radio and Stereo Stores (6221)
 - 10.5 TV, Radio and Stereo Stores (6222)
 - 10.6 Appliance, TV, Radio and Stereo Repair Shops (6223)
 - 10.7 Floor Covering Stores (6231)
 - 10.8 Drapery Stores (6232)
 - 10.9 Other Household Furnishing Store (6239)
11. Recreation Vehicle Dealers (632)
 - 11.1 Motor Home and Travel Trailer Dealers (6321)
 - 11.2 Boats, Outboard Motors and Boating Accessories Dealers (6322)
 - 11.3 Motorcycle and Snowmobile Dealers (6323)
 - 11.4 Other Recreational Vehicle Dealers (6329)

12. Automotive Parts and Accessories Store (634)
 - 12.1 Home and Auto Supply Stores (6341)
 - 12.2 Tire, Battery, Parts and Accessories Stores (6342)
13. Motor Vehicle Repair Shops (635)
 - 13.1 Garages (General Repairs) (6351)
 - 13.2 Muffler Replacement Shops (6353)
 - 13.3 Motor Vehicle Glass Replacement Shops (6354)
 - 13.4 Motor Vehicle Transmission Repair and Replacement Shops (6355)
 - 13.5 Other Motor Vehicle Repair Shops (6359)
14. Other Motor Vehicle Services (excluding car washes selling of gasoline) (639)
 - 14.1 Other Motor Vehicle Services n.e.c. (6399)
15. Hardware, Paint, Glass and Wallpaper Stores (653)
 - 15.1 Hardware Stores (6531)
 - 15.2 Paint, Glass and Wallpaper Stores (6532)
16. Lawn and Garden Centres with a maximum of 25% of the lot area to be used for outside storage and sales area (6522)
17. Vending Machine Operators (6911)
18. Direct Sellers (6921)
19. Insurance Industries (73)
 - 19.1 Life Insurers (7311)
 - 19.2 Deposit Insurers (7321)
 - 19.3 Health Insurers (7331)
 - 19.4 Other Property and Casualty Insurers (7339)
20. Real Estate Operator Industries (75)
 - 20.1 Operators of Residential Buildings and Dwellings (7511)
 - 20.2 Operators of Non-Residential Buildings (7512)
 - 20.3 Other Real Estate Operators (7599)

- 21. Insurance and Real Estate Agents (7611)
- 22. Employment Agencies and Personal Suppliers (771)
 - 22.1 Employment Agencies (7711)
 - 22.2 Personnel Suppliers (7712)
- 23. Accounting and Bookkeeping Services (773)
 - 23.1 Offices of Chartered and Certified Accountants (7731)
 - 23.2 Other Accounting and Bookkeeping Services (7739)
- 24. Offices of Lawyers and Notaries (7761)
- 25. Management Consulting Services (7771)
- 26. Offices of Physicians, Surgeons and Dentists (865)
 - 26.1 Offices of Physicians, General Practice (8651)
 - 26.2 Offices of Physicians and Surgeons, Specialists (8652)
 - 26.3 Offices of Dentists, General Practice (8653)
 - 26.4 Offices of Dentists, Specialists (8654)
- 27. Office of Other Health Practitioners (866)
 - 27.1 Offices of Chiropractors and Osteopaths (8661)
 - 27.2 Offices of Nurses, Registered (8662)
 - 27.3 Offices of Nurses, Practical (8663)
 - 27.4 Offices of Nutritionists/Dietitians (8664)
 - 27.5 Offices of Physiotherapists/Occupational Therapists (8665)
 - 27.6 Offices of Optometrists (8666)
 - 27.7 Offices of Podiatrists and Chiropodists (8667)
 - 27.8 Offices of Denturists (8668)
 - 27.9 Offices of Other Health Practitioners (8669)
- 28. Office of Social Services Practitioners (867)
 - 28.1 Offices of Psychologists (8671)

- 28.2 Offices of Social Workers (8672)
- 28.3 Offices of Other Social Practitioners (8679)

- 29. Medical and Health Laboratories (868)
 - 29.1 Medical Laboratories (8681)
 - 29.2 Radiological Laboratories (8682)
 - 29.3 Combined Medical and Radiology Laboratories (8683)
 - 29.4 Public Health Laboratories (8684)
 - 29.5 Blood Bank Laboratories (8685)
 - 29.6 Other Health Laboratories (8689)

- 30. Health and Social Service Associations and Agencies (869)
 - 30.1 Health Care and Public Safety Promotion Associations and Agencies (8691)
 - 30.2 Health Care Standards Agencies (8692)
 - 30.3 Health Care Research Agencies (8693)
 - 30.4 Social Service Planning and Advocacy Agencies (8694)
 - 30.5 Other Health and Social Service Associations and Agencies (8699)

- 31. Other Personal Household Services (979)
 - 31.1 Shoe Repair (9791)
 - 31.2 Fur Cleaning, Repair and Storage (9792)
 - 31.3 Other Personal and Household Services n.e.c. (9799)

- 33. Other Repair Services (994)
 - 33.1 Welding (9942)

- 32. Travel Services (996)
 - 32.1 Ticket and Travel Agencies (9961)
 - 32.2 Tour Wholesalers and Operators (9962)

M-13 District

1. General Freight Trucking Industry (4561)
2. Bulks Liquid Trucking Industry (4563)
3. Dry Bulk Materials Trucking Industry (4564)
4. Forest Products Trucking Industry (4565)
5. Other Truck Transport Industries (4569)
6. Other Services Incidental to Construction (449)
 - 6.1 Land Developers (4491)
 - 6.2 Other Services Incidental to Construction n.e.c. (4499)
7. Beverages, wholesale (5221)
8. Motor Vehicle Parts and Accessories, wholesale (552), (except rebuilding, recapping, retreading or vulcanized tires)
 - 8.1 Tires and Tubes, Wholesale (5521)
 - 8.2 Other Motor Vehicle Parts and Accessories, Wholesale (5529)
9. Farm Machinery, Equipment and Supplies, wholesale (5711)
10. Construction and Forestry Machinery, Equipment and Supplies, wholesale (5721)
11. Mining Machinery, Equipment and Supplies, wholesale (5722)
12. Industrial Machinery Equipment and Supplies, wholesale (5731)
13. Computer and Related Machinery, Equipment etc., wholesale (5744)
14. Office and Store Machinery Equipment and Supplies, wholesale (5791)
15. Service machinery Equipment and Supplies, wholesale (5792)
16. Professional machinery Equipment and Supplies, wholesale (5793)
17. Other machinery Equipment and Supplies, wholesale (5799)
18. Agricultural Feeds, wholesale (5931)
19. Seeds and Seed Processing, Wholesale (5932)
20. Motor Vehicle Repair Shops (635)
 - 20.1 Garages (General Repairs) (6351)
 - 20.2 Muffler Replacement Shops (6353)
 - 20.3 Motor Vehicle Glass Replacement Shops (6354)
 - 20.4 Motor Vehicle Transmission Repair and Replacement Shops (6355)

- 20.5 Other Motor Vehicle Repair Shops (6359)
- 21. Other Motor Vehicle Services (excluding car washes selling of gasoline) (639)
 - 21.1 Other Motor Vehicle Services n.e.c. (6399)
- 22. Accounting and Bookkeeping Services (773)
 - 22.1 Offices of Chartered and Certified Accountants (7731)
 - 22.2 Other Accounting and Bookkeeping Services (7739)
- 23. Offices of Lawyers and Notaries (7761)
- 24. Management Consulting Services (7771)
- 25. Other Business Services (779)
 - 25.1 Security and Investigation Services (7791)
 - 25.2 Credit Bureau Services (7792)
 - 25.3 Collection Agencies (7793)
 - 25.4 Customs Brokers (7794)
 - 25.5 Telephone Answering Services (7795)
 - 25.6 Duplicating Services (7796)
 - 25.7 Other Business Services n.e.c. (7799)
- 26. Other Health and Social Service Associations and Agencies (869)
 - 26.1 Health Care and Public Safety Promotion Associations and Agencies (8691)
 - 26.2 Health Care Standards Agencies (8692)
 - 26.3 Health Care Research Agencies (8693)
 - 26.4 Social Service Planning and Advocacy Agencies (8694)
 - 26.5 Other Health and Social Service Associations and Agencies (8699)
- 27. Motion Picture, Audio and Video Production and Distribution (961)
 - 27.1 Motion Picture and Video Production (9611)
 - 27.2 Motion Picture and Video Distribution (9612)
 - 27.3 Motion Picture Laboratories and Video Production Facilities (9613)
 - 27.4 Sound Recording Services (9614)

27.5 Other Motion Picture, Audio and Video Services (9619)

28. Machinery and Equipment Rental and Leasing Services (991)

28.1 Industrial Machinery and Equipment Rental and Leasing (9911)

28.2 Audio-Visual Equipment Rental and Leasing (9912)

28.3 Office Furniture and Machinery Rental and Leasing (9913)

28.4 Other Machinery and Equipment Rental and Leasing (9919)

29. Repair services (994)

29.1 Electric Motor Repair (9941)

29.2 Welding (9942)

29.3 Other Repair Services (9949)

30. Services to Buildings and Dwellings (995)

30.1 Disinfecting and Exterminating Services (9951)

30.2 Window Cleaning Services (9952)

30.3 Janitorial Services (9953)

30.4 Other Services to Buildings and Dwellings (9959)

M-14 District

1. Other Services Incidental to Construction (4491)

1.1 Land Developers (4491)

1.2 Other Services Incidental to Construction n.e.c. (4499)

2. General Freight Trucking Industry (4561)

3. Bulks Liquid Trucking Industry (4563)

4. Dry Bulk Materials Trucking Industry (4564)

5. Forest Products Trucking Industry (4565)

6. Other Truck Transport Industries (4569)

7. Motor Vehicle Parts and Accessories, wholesale (552), (except rebuilding, recapping, retreading or vulcanized tires)
 - 7.1 Tires and Tubes, Wholesale (5521)
 - 7.2 Other Motor Vehicle Parts and Accessories, Wholesale (5529)
8. Computer and Related Machinery Equipment etc., wholesale (5744)
9. Paper and Paper Products, wholesale (592)
 - 9.1 Newsprint, Wholesale (5921)
 - 9.2 Stationery and Office Supplies, Wholesale (5922)
 - 9.3 Other Paper and Paper Products, Wholesale (5929)
10. Motor Vehicle Repair Shops (635)
 - 10.1 Garages (General Repairs) (6351)
 - 10.2 Paint and Autobody Repair Shop (6352)
 - 10.3 Muffler Replacement Shops (6353)
 - 10.4 Motor Vehicle Glass Replacement Shops (6354)
 - 10.5 Motor Vehicle Transmission Repair and Replacement Shops (6355)
 - 10.6 Other Motor Vehicle Repair Shops (6359)
12. Other Motor Vehicle Services (excluding car washes selling of gasoline) (639)
 - 12.1 Other Motor Vehicle Services n.e.c. (6399)
13. Laundries and Cleaners (972)
 - 13.1 Linen Supply (9725)
 - 13.2 Carpet Cleaning (9726)
 - 13.3 Other Laundry and Dry Cleaning Services (9729)
14. Other Repair Services (994)
 - 14.1 Welding (9942)

M-15 District

1. Other Services Incidental to Construction (449)
 - 1.1 Land Developers (4491)
 - 1.2 Other Services Incidental to Construction n.e.c. (4499)
2. General Freight Trucking Industry (4561)
3. Bulks Liquid Trucking Industry (4563)
4. Dry Bulk Materials Trucking Industry (4564)
5. Forest Products Trucking Industry (4565)
6. Other Truck Transport Industries (4569)
7. Beverages, wholesale (5221)
8. Computer and Related Machinery Equipment etc., wholesale (5744)
9. Motor Vehicle Parts and Accessories, wholesale (552), (except rebuilding, recapping, retreading or vulcanized tires)
 - 9.1 Tires and Tubes, Wholesale (5521)
 - 9.2 Other Motor Vehicle Parts and Accessories, Wholesale (5529)
10. Recreational Vehicle Dealers (632)
 - 10.1 Motor Home and Travel Trailer Dealers (6321)
 - 10.2 Boats, Outboard Motors and Boating Accessories Dealers (6322)
 - 10.3 Motorcycle and Snowmobile Dealers (6323)
 - 10.4 Other Recreational Vehicle Dealers (6329)
11. Other Motor Vehicle Service (excluding car washes selling gasoline) (6399)
 - 11.1 Other Motor Vehicle Services n.e.c. (6399)

12. Laundries and Cleaners (972)

12.1 Linen Supply (9725)

12.2 Carpet Cleaning (9726)

12.3 Other Laundry and Dry Cleaning Services (9729)

13. Other Repair Services (994)

13.1 Welding (9942)

TABLE 5-B

COMMERCIAL USES - DELETIONS

M-11 District

none

M-12 District

1. Funeral Home (9731)

M-13 District

1. Funeral Home (9731)
2. Photographers (993)

M-14 District

1. General Merchandise, wholesale (5981)
2. Appliance, TV, Radio and Stereo Store (6221)
3. TV, Radio and Stereo Store (6222)
4. Appliance, TV, Radio and Stereo Repair Shop (6223)
5. Advertising Services (774)
 - 5.1 Advertising Agencies (7741)
 - 5.2 Media Representatives (7742)
 - 5.3 Outdoor Display and BillBoard Advertising (7743)
 - 5.4 Other Advertising Services (7749)
6. Post Secondary Non-University Educations Service (8521)

7. Medical and Health Laboratories (868)
 - 7.1 Medicine Laboratories (8681)
 - 7.2 Radiological laboratories (8682)
 - 7.3 Combined Medial and Radiological Laboratories (8683)
 - 7.4 Public Health Laboratories (8684)
 - 7.5 Blood Bank Laboratories (8685)
 - 7.6 Other Health Laboratories (8689)
8. Distributors and/or agents for dry cleaners (9722)
9. Funeral Home (9731)
10. Photographers (9931)

M-15 District

1. General Merchandise, wholesale (5981)
2. Appliance, TV, Radio and Stereo Store (6221)
3. TV, Radio and Stereo Store (6222)
4. Appliance, TV, Radio and Stereo Repair Shop (6223)
5. Motor Vehicle Service (6399)
6. Advertising Services (774)
 - 6.1 Advertising Agencies (7741)
 - 6.2 Media Representatives (7742)
 - 6.3 Outdoor Display and BillBoard Advertising (7743)
 - 6.4 Other Advertising Services (7749)
7. Post Secondary Non-University Educations Service (852)
8. Medical and Health Laboratories (868) - detail uses see Table 7-A
9. Distributors and/or agents for dry cleaners (9722)
10. Funeral Home (9731)
11. Photographers (9931)

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1991

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4TEL: 546-2700
FAX: 546-2095

1991 May 23

Mr. J. Pavelka, Director of Public Works
 Mr. L. King, Building Commissioner
 Mr. S. Ghanem, Director of Economic Development
 Mr. D. Turvey, Commissioner of Transportation/Environmental Services
Attention: Mr. K. Brenner, c/o Regional Engineering Department
 Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
 Ms. Diana Pasko, Planning Department
 Mr. E.G. Beres, Regional Assessment Commissioner
 Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held Wednesday, 1991 March 20th and Wednesday, 1991 April 24th.

These minutes were approved by the Planning and Development Committee at its meeting held Wednesday, 1991 May 22nd.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch's.

- c.c.'s - M. W. B. O'Brien, Director of Transportation Services, H.S.R.
 - Mr. Paul E. Shewfelt, Board of Education
 - Mr. Douglas Kelterborn, Board of Education
 - Mrs. Pohnyuk
 187 Catherine Street West
 Hamilton, Ontario L8L 4S4
 - Marilyn Ridout
 75 Ontario Avenue
 Hamilton, Ontario L8N 2X1

Wednesday, 1991 March 20
7:00 o'clock p.m.
Hamilton Convention Centre,
Chedoke Room "A"

An evening meeting of the Planning and Development Committee was held.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Alderman D. Wilson
Alderman M. Kiss
Alderman V. Formosi
Alderman D. Ross

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman W. McCulloch - Civic Business
Alderman H. Merling - Vacation

Also present: Alderman D. Agostino
Alderman B. Hinkley
Alderman T. Jackson
Alderman G. Copps
Alderman T. Cooke
Alderman V. Agro
Mr. L. Sage, Chief Administrative Officer
Mr. J. Thoms, Commissioner of Planning and Development
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Ms. P. Sopp, Planning Department
Mr. D. Godley, Planning Department
Mr. B. Allick, Building Department
Mr. L. King, Building Commissioner
Mr. D. Peters, Assistant Chief Prevention Officer,
Fire Department
Mr. P. Hooker, Law Department
Mr. Donald Nijse, Ministry of Housing
Mr. R. Karl, Traffic Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Ford, Health Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. Kushing, Regional Assessment Department
Mrs. Susan K. Reeder, Secretary

The Chairman opened the meeting with comments on the intent of the Public Meeting which was to receive input on the Planning Department's recommendations, respecting the issue of Housing Intensification.

Mr. A. Georgieff, Director of Local Planning, outlined the history of the Housing Intensification Study and the process used in arriving at the recommendations.

Mr. B. Allick of the Building Department outlined the Enforcement Process in dealing with illegal conversions via complaints under the Zoning and Property Standards By-laws.

Mr. B. Janssen of the Planning Department provided an overview on the recommendations contained in the Housing Intensification Study Strategy.

The Committee was in receipt of submissions from the following:

- (a) R.J. Blair, 194 Maplewood Avenue
- (b) Mrs. Elena Lazar, 77 Barnesdale Boulevard.
- (c) Carol J. Barrett, Helen June Barrett, Beverley McAllister, 219 Maplewood Avenue.
- (d) Elizabeth & Harry Marshall, 210 Maplewood Avenue.
- (e) Jack Wilson, 216 Maplewood Avenue.
- (f) K. M. Speakman, 212 Maplewood Avenue.
- (g) E. Lazar, on behalf of Citizens for Citizens Committee Ward 3.

The Committee was also in receipt of an added submission from Carol J. Barrett, H. J. Barrett and Beverley McAllister of 219 Maplewood Avenue.

The Community Group, Citizens for Citizens, distributed information to people at the meeting as follows:

- (a) Notice of a Public Meeting of the Planning and Development Committee dated 1975, September 25, regarding proposed changes to zoning in the Stipley Neighbourhood Plan; and,
- (b) Remarks of Citizens for Citizens to the Planning and Development Department recommendations, dated 1991 January 29.

The meeting was then opened up for comments to be made by the Public and the following submissions were received:

Mr. David Beland, Citizens for Citizens, Ward 3, spoke to the Committee. He questioned the conversion based on owner occupancy and feels that this recommendation is unenforceable in accordance with the Law Department's caution and the Globe and Mail article on this type of Law not standing up under the Charter of Rights. He questioned why this recommendation was made when so many sectors recommend against it as being unenforceable. He also indicated that they are concerned at the stabilizing of the pre-1940 Housing Areas and disappointed that there are no recommendations to address this despite their request that this matter be considered.

Mrs. Michaelene Galan, 78 Gage Avenue South, referred to the hand-out given by Citizens for Citizens referring to the 1975 Notice of a Public Meeting of the Planning and Development Committee, regarding the Stipley Neighbourhood Plan which said in part "in order to protect the integrity of the basic residential character, this area should be rezoned to discourage further conversions and pre-empt the creation of boarding and lodging houses. Mrs. Galan indicated that this plan was never implemented and problems for this area have only gotten worse. She indicated that she disagrees with the statement that old dwelling use areas cannot expect the same enjoyment as new dwellings, and summed up by indicating that she is disappointed with the City's actions to-date on the Housing Intensification issue.

Mr. Bob Kronas, 208 Seamore Avenue, Ancaster, representing a Non-profit Housing Association, spoke and questioned lot size and indicated that he is disappointed that this issue was not addressed in the Study Strategy.

Mr. Hank Gaassenbeek, 19 Flatt Avenue, spoke respecting recommendation B.1, and is concerned with the owner occupancy recommendation which he feels is unenforceable. He stressed that such a recommendation would have serious repercussions for absentee Landlords who would be subject to blackmail by tenants if they did not live in the home, which would force them to sell the property at a loss of rental units to the Community and will also encourage illegal actions and a deterioration of the moral fabric of the Community because of this. He indicated that the City should recommend rental control initiatives.

Mr. Munro, 51 Fairholt Road South, indicated that he lives in Ward 3 and has seen the area eroding to duplexes and triplexes from single family area homes over the years. He indicated that the adverse affect of this has been that no parking has been provided for the extra units. He added that backyards could be used for parking instead of front yards since most of these homes have alleyways.

Mr. Michael Leng, 204 London Street South, spoke to the Committee with respect to a recent Ontario Municipal Board ruling of encouraging 25% affordable housing in a community. Mr. Hooker of the Law Department spoke to the Committee with respect to this recent Ontario Municipal Board judgement which dealt with a Burlington case on the Province's policy on affordable housing at 25% content. The ruling indicated that the Province's policy was acceptable but that exception was taken on how Burlington interpreted it. Mr. Leng commended the City for its initiatives in recently cleaning up many undesirable properties. Mr. Leng disagrees that homes should be protected for 20 years since that does not really reflect the changeover of families.

Ms. Marilyn Schneider, 41 Fairleigh Avenue North, spoke with respect to recommendation B.2, which is the 20 year recommendation for conversion of homes and feels that the age restriction should be removed to allow 1990 conversion of new homes, since such a restriction is unfair to the 1940 areas.

A tenant at the apartment building at 121 Park Street, spoke and commended the affordable housing attempts of the Study. She indicated that the realities of today are that fewer people can afford to buy a home. She indicated that conversions occur in the 1940 areas for reasons such as good bus routes, convenient shopping areas, etc. She added that conversion allows single people, i.e. widows, divorcees, etc. to maintain their homes. She also added that concerns are around property maintenance and apply to owners no matter where they live. She indicated that lack of affordable housing means that those with limited income are forced to live in substandard housing.

The resident of 50 Gladstone, spoke and indicated that he is a 2 year Hamilton resident and is opposed to the proposed strategies. He feels that the staff that made the recommendations do not understand the concerns of the affected housing areas and indicated that the lower City Wards have already shouldered enough. He also added that the strategies are ineffective and that the Staff have not listened to the input provided in previous Public meetings.

Mr. Duguay, 15 Elm Street, indicated that he lives on a dead-end street and that they have noticed many traffic accidents in the area recently due to parking on both sides of the street, backing up, elimination of on-street parking for front yard parking and no consideration has been given on rear yard parking possibilities. He indicated that he is opposed to the strategies and feels that they help the landlords to convert and do not assist the single family home owners. He added that his area is getting more congested with people all the time and illustrated by indicated that one house on the street now has 5 cars associated with it. He also added that due to front yard parking, the street has become a concrete jungle. He questioned whether the sewer infrastructure can handle the type of intensification that is occurring in the lower City and fears another North Vancouver situation.

Ms. Tew, 149 Whitney Avenue, feels that the study should have involved more input from the Province, the Federal Government and the Schools.

Mr. David Bowman, 91 Dundonald, spoke to the Committee with respect to his own particular housing difficulty.

Mr. DiLoreto, 48 Chestnut, expressed concerns with the social problems being created by intensification and that areas are becoming ghettos.

Mr. Saraphanian, 38 Fairleigh South, spoke to the Committee and questioned the Law Department's opinion on the owner/occupancy recommendation and why the Planning Staff did not heed the advice of the Law Department in not making this recommendation. He also questioned the 20 year conversion time frame and indicated the emphasis should be on new housing development and not conversions.

Ms. Ann Baxter, 157 Holton Avenue South, spoke to the Committee and expressed concern that the strategy proposals do not address the problems of over-intensification in the lower City, i.e. limits placed on the number of conversions in areas. She emphasized that there should be a mix of housing throughout the City. She also added that she does not like the term affordable housing but rather affordable living.

Ms. Randazzo, 105 Agusta Street, spoke to the Committee and indicated that most families today have 2 children rather than 6 or more as in the past. She added that elderly people in these large homes should be allowed to legally convert their homes, in order that they can remain in them. She added that she feels that the lower numbers at this particular public meeting as compared to the other public meetings reflects satisfaction of those who did not attend. She added that the emphasis should be on property maintenance and that there should be at least a minimum of 700 sq. ft. per unit.

A resident of Barnsdale Boulevard, spoke to the Committee with respect to the Building Code requirements and emphasized that the City By-laws to stabilize pre-1940 areas should be based on lot size and unit size.

Ms. Tillinger, 178 St. Clair Boulevard, criticized the size of the ad placed in the Spectator for this public meeting. She went on to indicate that many homes in the lower City area are for sale but few buyers are an indication of the problems that exists as a result of housing intensification. She asked why the strategies did not address the new homes that are being constructed. She indicated that people who wish to live in single family homes are forced to keep moving to new areas where restrictions of conversions do not apply. In reference to the recommendation, she quoted page 24 of the document and indicated that porches and verandas should not be allowed to be removed when parking on front yards are approved.

Mr. Boich, 244 London Street South, spoke to the Committee and expressed concerns at the erosion of neighbourhoods due to conversions. He indicated that he disagrees with the 20 year turnaround time, since families change before that. He also indicated that his own home is being effected by conversions and expressed frustration that staff have not listened to the input of public meetings and summarized by indicated that he hoped that the final decisions would protect Hamilton Citizens.

Mr. Stahmer, 22 Elm Street, spoke and requested that the City should pay moving costs if people are forced to move out of areas where conversions are occurring. He also indicated that he wants staff to identify where they live.

Mr. Peter Hill, 312 Bay Street South, spoke to the Committee and stressed that he perceives a lack of vision by the policy makers as they are not responsive to the people's vision. He clarified that the study is strategy proposed by staff and not policy, since policy is the prerequisite of the Council for approval which will occur following these meetings. He added that he feels that Planners often do not meet the vision of the people and the community. He urged that responsive policies be made on such matters as front yard parking. Mr. Hill further added that the lower City has more than its share of intensification and urges decisions to be made on community input.

A Ward 4 resident spoke and expressed anger that the addresses of the staff were not being revealed and challenged the Chair's decision to not reveal this information to the meeting.

Alderman Drury then took the Chair, as a result of the challenge and ruled to deny the request that staff identify their personal addresses.

A resident of the City spoke and questioned why the City staff had not solicited community people to work with them on the strategy recommendations. He expressed concerns at the number of increased driveways added onto front lawns for parking.

Sharon Lofrenia, Citizens Against Poverty, questioned the Affordable Housing aims and the long-term affordability for housing and the dilemma of where displaced people will go if conversions are disallowed.

Mr. Marvin Caplan, representative of the Social Planning and Research Council, spoke and indicated that the Council will be forwarding their written response to the Strategies at a later date and outlined several of the points contained therein.

Mr. B. Fuller, 28 Edgemont Street North, spoke and indicated that he is a 40 year resident. He added that he is proud to live in the lower City area and sited a recent cleanup of the pipeline area in this neighbourhood which has provided leisure space for the neighbours. He also indicated that he is concerned at the safety of the homes being converted and urged the Committee to listen to the public and make decisions accordingly.

Mr. B. Townes, a Downtown resident, questioned the Law Department on the legality of discriminating against home owners of pre-1940 homes which are allowed to convert and newer homes which are not.

A resident of Ontario Avenue, talked about the traffic influx and danger to children as a result of intensification. She indicated that she disagrees with the 20 year conversions rule and indicated that conversions would be desirable for new homes since they often have adequate parking established on the land. She also would like to see the Downtown beautified.

A resident of the Mountain, spoke to the Committee and indicated that she is what is known as a "absentee landlord". She indicated that this is her retirement savings and that she is responsible for fixing up damage caused by tenants. She expressed anger that the Province is unfairly discriminating against landlords and resents the infringements being placed on her private property rights. She sited Bill 4, which is presently being processed which prohibits Capital Cost expenditures being reflected in rents. She indicated that this will be creating more ghettos.

A resident spoke with some suggestions that parking permits could be used to solve some of the intensification problems.

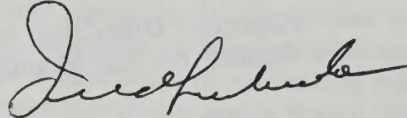
Ms. Mary Tega, 123 Charles Street, expressed concerns that the conversions presently going on will create ghettos.

The Chairman of the Committee then closed the public meeting and thanked everyone for attending. He indicated that further submissions in writing should be forwarded to the City's Planning Department, no later than April 5.

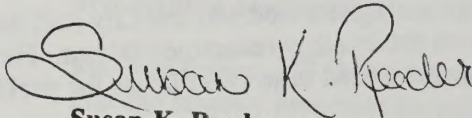
Members of City Council who were in attendance then spoke to the public meeting and thanked everyone for their input and gave comments on the Strategy recommendations.

There being no further business, the public meeting then adjourned.

Taken as read and approved,



**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**



**Susan K. Reeder
Secretary
1991 March 20**



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